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ART. I.—THE INDIAN ARMY.

1. *The Native Army of Bengal: its constitution, organization, interior economy, and equipment.* By MAJOR-GENERAL J. J. H. Gordon, C. B., Bengal Staff Corps.
2. *The Native Army of Madras: its constitution, organization, equipment, and interior economy.* By MAJOR-GENERAL J. MICHAEL, C. S. I., Madras Staff Corps.
3. *The history of the Bombay Native Army from 1837 to 1887: its constitution, equipment, and interior economy.* By MAJOR-GENERAL W. E. MACLEOD (Bombay retired list).
4. *History of the Madras Army, from 1746 to 1826: with an account of the European Artillery, Engineers, and Infantry, up to their amalgamation with the Royal Army in 1861, and of the Native Cavalry and Infantry up to 1887.* Compiled by LIEUTENANT-COLONEL W. WILSON, (retired.) 1888.

THE papers on the armies of the three Indian Presidencies, which have appeared in a late issue of the Journal of the Royal United Service Institution, which has its head-quarters in Whitehall Yard, are of especial interest to the Indian public at the present time, when a carefully considered scheme is being elaborated for a new distribution of the whole of our Native Indian military forces, by which the three distinct Presidency armies will disappear from the scene, and the troops composing them will be re-distributed in four army corps forming one Indian army under one Commander-in-Chief. The present organization in three separate armies has been in

existence for more than a century, and was co-eval with the rise of our military power in India which preceded the establishment of our Civil Administration. It was the only arrangement feasible at a time when the boundaries of the three Presidencies were separated from each other by vast tracts of territory ruled over by independent Native Princes, and when the easiest and shortest means of communication between them was by a tedious sea voyage. The three armies, raised on no fixed or previously determined plan, grew by degrees with the political exigencies of the times, and were augmented simultaneously with the widening scope of our political action in India. They were as different from each other in their composition and in the regulations by which they were governed as the armies of any two different nations in Europe. Even the English officers of the respective Presidency armies could be distinguished from each other by particular social habits and customs. No exchanges or transfers were permitted between the officers of the different armies. When they met on service in combined campaigns, they met as if they were the troops of two allied powers, and were kept apart from each other in separate divisions and brigades.

The great continental campaigns of the Marquis of Hastings which resulted in the establishment of the British Government as the Paramount Power in India, brought the three armies for the first time into a permanent closer contact with each other. But this contact without amalgamation rather intensified than allayed the rivalries and jealousies which already existed between them, of which the traces survive to this day. The first step towards a *rapprochement* was made after the great catastrophe of 1857, when the Bengal Army, the most important and most numerous of the three, effaced itself by its mutiny against its masters.

The East India Company's military forces were then transferred to the immediate control of the Crown, and the English officers of the armies of the three Presidencies for the first time recognised a common bond of union and interest as officers of the Indian Army. Since that time the connexion has gradually become closer and closer. The substitution of the Staff Corps for the regimental cadres has equalised the promotion in the three armies. The three separate Presidential Ordnance and Financial Departments have been amalgamated. The control and management of the two smaller armies has been by degrees, and for some time, passing more and more from the Governments of their own Presidencies into the hands of the Government of India. The Military Secretaries to the Governments of Madras and Bombay hold almost sinecure appointments, and have little to do beyond the regulation of a

certain amount of patronage which is the only part of military administration that still excites any interest in the discussions of the Local Councils.

The old argument for the maintenance of separate military establishments no longer exists. Madras and Bombay are in easy communication with Simla and Calcutta by rail and wire. Within a week, troops from Trichinopoly can be brought to the mouths of the Khyber and the Bolan. Easy and constant means of communication between all parts of the country are even breaking down the old Indian differences of race and language. It is therefore considered that the time is ripe for a further advance in the direction of unification, and that the separate administration of the three armies might be merged into one, and the minor Presidency Governments of Madras and Bombay relieved of the trivial military functions which they still perform.

The extension of our territorial limits in India has been so uniformly connected with war and conquest, that the history of the Indian Army is almost a synonomous term for the history of British India ; but several works have from time to time appeared especially devoted to chronicling its fortunes ; its augmentations, reductions, and changes of organization, apart from the series of campaigns, battles, and conquests which mark the path of the political history of our gradual advance to sovereign rule over Hindustan. Most of these are the historical records of particular corps, compiled and edited by members of them, such as Lieutenant-Colonel Stubb's History of the Bengal Artillery, Colonel Vibart's History of the Madras Engineers, Captain William's History of the Bengal Native Infantry, and other works of a similar nature. The European regiments of the East India Company's Service were particularly fortunate in thus securing memorials of their past distinguished services in the East before they became merged in the Royal Artillery and Line Regiments of Infantry of the British Army. The most general work of this nature which has hitherto been known to us is Broome's History of the Bengal Army, which again is more a history of the actions which the troops of that army had been engaged in, than of the army itself. It reminds us of the old orthodox way of writing history, which consisted in a catalogue of the wars waged and the battles fought by a nation, without any account of the inner life and political development of the nation itself. The most exhaustive and best arranged historical work dealing with the Native Army of India which has yet appeared, is without doubt the History of the Madras Army compiled by Colonel W. Wilson of the Madras Retired List, at the instance of the Madras Government, and of which the fourth volume

has just been published. This valuable work was inaugurated at the instance of the late Lord Hobart, during his brief tenure of the Government of Madras. His Lordship, who had strong literary tastes, authorised the commencement of the work and took a great interest in it, though he unfortunately did not live to see the completion of even the first volume. All the existing records in the possession of the Government at Fort St. George have been utilised by the compiler, though it appears that a great many documents which might have thrown much light on the early history of the army had been allowed unfortunately to perish. The "History of the Madras Army" is a minute record of the achievements, organization, and composition of the old "Coast Army," from the raising of the first companies for the garrison service of Fort St. George in the early days of the East India Company, to the last reductions in its strength made by Lord Ripon: reductions, which caused a great deal of hardship to individuals and a great deal of dissatisfaction among the native soldiery, and left the strength of the army on the whole much as it was before: reductions, which appeared to have been carefully modelled on the Irishman's plan for lengthening his blanket, by cutting a piece off from the top and sewing it on to the bottom.

The three papers read at the meeting of the English United Service Institution by the three General Officers of the three Presidency Armies are also valuable contributions to the literature on the subject of the Indian Army. General Gordon, as might be expected of a Bengal officer, entirely ignores history in his lecture. The honour and renown of the old Bengal Army is buried in the grave which it dug with its own hands for its not inglorious past, and the new army has no sympathy for, or interest in the memorials and traditions of its predecessor.

General Michael gives the details of all the changes made in the strength and organization of the Madras Army from its first formation to the present day, with a minute account of the regulations affecting the sepoy at the present time, but he has not attempted any recapitulation of its services in the field. General Macleod on his part gives us a short history of the campaigns in which the Bombay Army has taken part since he himself first joined its ranks in 1838 down to the present time: and a sketch of its organization and interior economy as it existed before the Mutiny, which he compares with the system obtaining at present, to the evident disadvantage of the latter. General Gordon touches but lightly on this vexed subject, and General Michael cautiously eschews criticism altogether. In the discussions which followed

on the delivery of these lectures, however, the question of the alleged insufficiency of European officers with the Native regiments of the Indian Army was freely raised and commented on by nearly all those who took part in the discussion.

The history of the Native Indian Army may be broadly divided into three periods, from the first raising of companies of sepoys in the middle of the last century to fight the French in the Carnatic, to the present time when we are taking precautions with a view to a possible collision with the Russians on the borders of Afghanistan. The first period is that of the growth of the army from its earliest existence in a few independent companies, to its organization in regular regiments and battalions with a full establishment of English officers, which took place about the commencement of the present century. The second period would embrace its existence under the same organization, till it attained its greatest strength immediately before the great Mutiny of the Bengal Army in 1857: the third period would comprise the last thirty years under a new organization and a general policy of reduction, under which the army stands at not more than half the numerical strength which it possessed before the Mutiny.

The Indian Army is the first example of the application of the principles of European discipline and tactics to the training of oriental races. Standing armies were not raised in Turkey, Persia, or Egypt until seventy years later, and then only with great difficulty and after repeated failures.

The credit of organizing the natives of India as regular troops undoubtedly belongs to the French. The physician Bernier had observed the inefficiency of the Mogul Armies of Aurangzib in every point (except that of numbers), and had predicted that a few thousand disciplined soldiers would find no difficulty in putting such a rabble to rout. The French first drilled and disciplined the natives of India as sepoys at Pondicherry. A brigade of French sepoys commanded by M. Bussy, and afterwards by M. Raymond, was for long in the service of the Nizams of Hyderabad, and the ruins of their cantonments can still be traced in the vicinity of the chief city of the Deccan. Ibrahim Khan Gardi, so nick-named, because he had been the Commander of Bussy's body-guard, raised a brigade of sepoys on his own account which he disciplined and drilled on the French model. He hired out his brigade to Sewdasheo Rao, commonly called the Bhalo, when that ill-starred Commander was setting out with the Mahratta host to try to drive the Afghan invaders from Hindustan. The Bhalo was however much annoyed when he found that the new regular troops expected to receive regular pay, and were not to be

satisfied with fair promises and the prospect of plunder. But Ibrahim Khan insisted on the punctual settlement of his accounts as the most essential part of his system. At the fatal battle of Panipat his brigade had almost retrieved the fortune of the day, routing the Afghan troops opposed to it by its fire and its charge with the bayonet. But the total defeat of the Mahratta Army left the sepoys to stand alone against the whole host of the Abdali King, and they were overwhelmed and cut to pieces, and their brave Commander killed.

The example of the French in training Native levies upon a European model was immediately followed by the English, and with equal success. Our Sepoy Army became one of the most remarkable feats in the history of military organization in modern times, while the French Native levies are now represented only by one weak battalion of sepoys, divided between the garrisons of Chandernagore and Pondicherry. The military and political schemes for the exploitation of India and its populations which originated with the fertile genius of Frenchmen like Dupleix and Bussy, were destined to be carried into effect by their English rivals. The Frenchman sowed the seed, and the Englishman reaped the harvest. It is a remarkable fact that everywhere in the whole field of colonial enterprise where the two hostile nations came into inevitable opposition, the same result has followed. In North America the French inaugurated a vigorous military and diplomatic policy to ensure their ultimate ascendancy, while the English busied themselves only with trade and industry: yet when the struggle came, Canada and Louisiana passed into English hands. In India the English adopted the methods which the French had invented, and beat them at their own weapons. The ingenious Frenchman was "hoist with his own petard." And in Egypt, nearer in our own time, this chapter of history has again repeated itself. The new Egypt of Muhammad Ali which succeeded to the Egypt of the Middle Ages and of the Mamelukes was modelled by Frenchmen. The veneer of European civilisation, with which it was varnished, was French: Frenchmen made the Suez Canal: Egypt was looked on by French politicians as an appanage of France: yet, when the moment for striking came, France allowed England to seize the prize. Her efforts had again only served to pave the way for the triumph of "*perfide Albion*."

The organization of the Native troops in the service of the East India Company followed the same course as the organization of the bodies of soldiers who composed the first standing armies in Europe. The sepoys were at first formed in independent companies, each under its own Native Captain

(Subadar) with its drum and banner. After a few years the companies were collected into battalions, and at a still later date the battalions were linked to make regiments. The sepoys were often enlisted *en masse* through native soldiers of fortune like Ibrahim Khan Gardi, who raised bodies of men for the employer who bid highest for their services. One Subadar Muhammad Yusef had the chief command of all the English sepoys at the siege of Trichinopoly. After long and faithful service, he was in command of the garrison of Madura, when he conceived the idea of setting up in business on his own account, and revolted against the Nawab of the Carnatic and the English Company : but his rebellion was put down, and he was taken and hanged. When sepoy battalions were first embodied, the senior Native officer was given the title of "Comidan" (Commandant), but from the first the battalions were really under the orders of English Captains. When the Bengal Native Infantry was raised, an English Captain and two subalterns were attached to each battalion. These three officers acted in the battalion as Colonel, Major and Adjutant. It was in fact exactly the same organization as that of our Irregular Regiments of a later date. As the Native Army became more and more an important part of our military force, and as the Native Princes like Hyder Ali of Mysore and the Maharajah Scindia brought against us considerable bodies of troops drilled and disciplined like our own on a European model, it was observed that the efficiency of our sepoys was increased in proportion to the number of European officers serving with them. This led to the gradual substitution of the European for the Native element in command : and at last every company was commanded by a European officer. The Subadars and Jemadars ceased to have any authority or responsibility, and sank into the position of non-commissioned officers.

It would certainly appear that at that time it was very rare to find military talents, even of a moderate kind, developed in any native of India. Such men as Hyder Ali, or even as Ibrahim Khan Gardi and Muhammad Yusef, were rare exceptions to the general rule, and the blaze of their partial talents was soon extinguished. The natives of India made excellent soldiers but indifferent officers ; and this observation holds equally good of all oriental races. The wretched inefficiency of the officers in the Turkish Army is sufficient to neutralise the splendid fighting qualities of their men. The Princes of India who succeeded in raising their sepoy armies to any degree of efficiency, like the Maharajahs Dowlet Rao Scindia and Runjeet Singh, availed themselves largely of the talent of European adventurers. When these were withdrawn,

the troops soon degenerated into the rabble from which they had been raised. The Sikh Army, deprived of the guidance of Ventura and Allard, was like a blind Samson, destroying itself in its frantic efforts to injure its enemies.

The increase of the European element in the Sepoy Army undoubtedly heightened its efficiency. But along with the *cadre* of English officers were introduced English regulations and customs to an unwise extent. The more the sepoy was entrusted to the leadership of Englishmen, the more he was withdrawn from their control. The authority of a code of regulations was substituted for the personal control of the officer. A Captain commanding a native battalion in 1760 had more power over his men, and more discretion allowed him in the government of his command, than a Colonel commanding a native regiment in 1800. The gradual introduction of the rigid European code of military regulations and military law had also a bad effect on the native soldiery, substituting, as it did, fixed principles of conduct, incomprehensible to the oriental mind, for the simple will of their immediate superiors. But these evils were not at first noticed, and but few comprehended their dangerous tendency until the catastrophe of 1857 suddenly and violently opened men's eyes.

It would have indeed been wonderful had our Indian Army been anything but efficient during the first fifty years of its existence; for the whole of that existence was one long campaign. A regiment might be thought lucky if it was stationed in one garrison twelve consecutive months. War was waged by land and sea against French and Dutch, as well as on the continent of India against Musalman and Mahratta. Bombay sepoys appeared upon the Nile; Madras sepoys took part in expeditions to Java and the Mauritius. The Company's soldiers, both Europeans and Natives, were veterans whose lives had been passed in ceaseless wars. India had not yet recovered from the anarchy caused by the downfall of the Mogul Empire, and the revenue of a district could hardly ever be collected without a fight. In all these wars the Madras, or Coast Army, bore its full share. It bore the brunt of the fighting with the French, and of the long campaigns against our most formidable native enemies, Hyder Ali and his son Tippoo Sultan. It also earned an unenviable notoriety by the desperate mutiny at Vellore in 1806, the first mutiny of our sepoy troops which was directed against English supremacy. There had been many mutinies of our native troops before, but they were all mere military mutinies, caused by the hardships of the service they were engaged on, or by delay in the issue of their pay: but the Mutiny of Vellore was a forerunner of the great military revolt of 1857. Like it, it was

the result of a conspiracy, and its immediate and trivial cause was some alteration in the dress of the sepoys which offended their caste prejudices: not unlike the pretext of the greased cartridge, which was the spark that fired the train fifty years later.

Soldiering on the winning side was a lucrative business in those times: what with prize-money, and the large donations made to the troops from the treasuries of our native allies. And the Company's officers were keenly alive to their own interests: witness the formidable mutiny of the Officers of the Bengal Army when Clive retrenched their allowances, and which needed all his vigour and promptness to quell it. More curious still is the story of the mutiny of the Madras Officers against Sir George Barlow's Government in 1809, begun on a similar question of retrenchment, and carried on upon a mere point of honour, and which nearly culminated in a civil war between the King's and Company's troops. Shots were actually exchanged between them at Seringapatam, where the garrison was in open mutiny against the Government, and was beleaguered by the King's troops from Bangalore. Two sepoy battalions were led from Chitaldroog to its relief, and when approaching the fortress, were charged and dispersed by a regiment of British dragoons: and the Company's artillery-men opened fire from the guns of Seringapatam upon the dragoons to cover the escape of the sepoys. The Viceroy, Lord Minto, hastened from Calcutta to Madras to restore order, and the recalcitrant officers submitted to him unconditionally. This curious story is given in detail in the third volume of Colonel Wilson's book, and is worth studying as an occurrence unique in the annals of the Indian Army: the only occasion on which the maintenance of a large army, distinct from the forces of the Crown, by a trading Company, threatened to produce the evil consequences which might have been predicted or expected from such an institution.

In 1796 the sepoy battalions were formed into regiments of two battalions, and for the first time a full establishment of English officers was given to them. In 1826, however, the regiments were again divided, and each single battalion was made into a regiment. This retrograde step was adopted to assimilate the organization to that of the British Army: for after the great wars of the early part of the century had come to a close with Waterloo, the second and third battalions of all the regiments of the line had been broken up. It is probable, however, that a desire to give increased promotion to the officers of the Company's Army may have had something to do with the change. The Company's service was purely a seniority one, and when the number of English officers was

so much increased, and the establishment of our undisputed supremacy in India had resulted in a cessation of the general wars in which we had at first been continuously engaged, the stagnation of promotion became a serious evil.

It was partially obviated by the permission granted to officers to combine to purchase out their seniors by private arrangement, a system which was in itself open to many objections, but which on the whole worked fairly well. It mitigated, though it did not entirely obviate the slowness of the promotion, and as a rule the officers who obtained the commands of regiments were too old for their position. One circumstance, greatly to the advantage of the officers though to the disadvantage of the regiments, was the drafting of regimental officers not only into appointments on the general staff of the army, but into all the Army Departments, such as the Ordnance, Pay, and Commissariat, and moreover into civil and political appointments of all kinds : the irregular regiments were also officered entirely from the cadres of the regular regiments. Thus it usually happened that only from one-third to one-fourth of the number of officers borne on the strength of a corps were actually doing duty with it. But when a regiment went on service all its officers had to rejoin it at once. This was the great advantage of the system, that it thus supplied a reserve of officers on an emergency. Its chief defect was that every officer who attained the rank of Lieutenant-Colonel was allowed to rejoin and to command his regiment, even though he might have been his whole time in civil employ, and be thus necessarily almost ignorant of his military duties. This was a fatal blot in the system, and seriously impaired the efficiency of the army. Another evil was that the officers who perforce remained with the regiment were naturally discontented with their lot, and envied their comrades who succeeded, by their interest or their ability, in escaping from the dull routine of military duty. The prestige of the army suffered by the undue importance and the extra emoluments attached to staff and civil employ. These evils still exist in the Indian Army, though not to the same extent as formerly ; but many of the best officers are withdrawn from their regiments to be used in non-military employment, and a reduced establishment of officers has to bear the strain of the reduction.

About the time of its re-organization in single battalion regiments, and soon after the close of Lord Hastings' great Mahratta Wars, the Native Army had attained almost to its greatest numerical strength, and had probably attained to its highest point of efficiency. From this time it began to nourish the seeds of decay which so speedily and inevitably take root in all institutions in this country, and which were

rapidly and fatally developed in it. The system of promotion by seniority, which was the rule among the English officers, was observed also among the Native ranks, and in consequence the Native subaltern and non-commissioned officers were all too old for their work—a fatal defect in any army.

The English Government and the higher military authorities adopted a foolish policy towards the army which may be described as the humanitarian policy ;—a policy dictated by a laudable dislike to arbitrary power and possible injustice, but which was quite out of place in dealing with a force of armed mercenaries. There is a saying that “Resolutions are not made with rose water ;” nor is discipline to be maintained among soldiers by the methods which might be found efficacious in a young ladies’ boarding school. War is a necessary evil, armies are its result : and their maintenance in a state of efficiency for their work can only be accomplished by a discipline of unflinching stringency enforced through all grades, from the General down to the Private.

The general staff of the Indian armies appeared at this period to consider that its proper function was to protect the sepoy against possible injustice on the part of his immediate English superiors. The powers of Commanding Officers were curtailed, and an attempt was made to manage the affairs of all the regiments at Army Head Quarters. The attempt, of course, was futile, but entailed considerable mischief. The spirit which prompted this unwise interference is still in force. In the horror of revulsion which followed upon the Mutiny, the opposite extreme was run into, and the Commandants of the newly raised native regiments were allowed the power of summarily reducing non-commissioned officers to the ranks, and of dismissing privates from the service. The old leaven is beginning to work again, and Commanding Officers have now been deprived of their salutary powers.

Lord William Bentinck abolished corporal punishment in the Bengal Native Army, though European soldiers were still subject to the lash. The sepoys could be easily managed without it ; and indeed it was the docility and apparent fidelity of the sepoy, which led to these dangerous relaxations of the bonds, and consequently of the habits of discipline. The Bengal sepoy was such a good soldier, that it was considered unfair to treat him as if he could possibly be anything else. It is difficult to discover the causes which so deteriorated the discipline of the Bengal Army, while they had little or no effect on the Madras and Bombay armies. It might have been supposed that the former being under the immediate eye of the Supreme Government would have been at least maintained in as efficient a state as the armies of the minor Presidencies. As a

matter of fact, its supply and equipment were always superior to that of the Madras and Bombay armies. The officers of these latter continually complained that the Bengal Army was unduly favoured by the Government of India. Thus, in Colonel Wilson's fourth volume, he relates how, after the first Burmese War, the extra garrison duty entailed by our annexations devolved mainly upon the Madras Army, while the Bengal Army received a large augmentation for no apparent reason. The Commander-in-Chief at Madras penned a minute on the subject from which we extract the following passage. Speaking of the Madras Native Army, he says :—

These services, this zeal and fidelity, won them all the Eastern settlements on the Tenasserim coast and Penang to garrison, with an addition of two regiments of Native Infantry ; while the Bengal Army, whose services and claims it is not my duty or desire to discuss, obtained an increase of two regiments of cavalry and twelve of infantry, exclusive of irregulars and corps not regimental. This is an uncoloured picture of the relative situation of the two armies of Bengal and Madras. It must be regretted by those who contemplate the just claims of the Indian Army generally and impartially, that it did not suit the views of the supreme authorities to equalise the augmentation in a manner more favourable to the pretensions and expectations of this army by giving it its proportions of cavalry, artillery, and infantry.

These complaints are re-echoed to-day, and with some show of justice. When money is wanted for the Bengal Army, the cry in the Military Secretariats at Simla is, "cannot some reduction be made in the Madras Army ?" Lord Mayo contend- ed that military reductions were imperative on the score of economy, and therefore recommended a reduction of the Madras Army. The Secretary of State impartially refused to entertain any proposal of military reductions which did not provide for the proportional reduction of all the three armies. The Government of India then withdrew its proposition alto-gether. Again, on the occasion of Lord Ripon's late reductions, Bengal was made to appear to share in the reductions, though the diminutions made in the armies of Madras and Bombay were disproportionately large. But the matter had scarcely been disposed of before the Bengal regi- ments which had been reduced were raised again, so that the Bengal Army has actually suffered no loss of promotion or patronage by the reductions. There seems some reason in attributing this partiality to the *entourage* of Bengal officers with which the Supreme Goverment is surrounded, and who are its military advisers ; for men will always naturally see questions of policy in the light most favourable to their own claims and interests.

The superiority of the discipline maintained in the Madras and Bombay Native armies was not the only cause why their

sepoy remained true to their salt while the Bengal Army revolted. In the North of India there were political causes at work which were absent in the Deccan and the Carnatic. And there was the sufficient fact of the different composition of the three armies. In both, that of Madras and that of Bombay, there was a great intermixture of diverse races. In the former, Tamils, Telengas, Musalmans of the Carnatic and Mysore ; in the latter Musalmans, Rajpoots, Mahrattas, and even Jews. Most of the regiments contained a large proportion of low caste men, especially in the Madras Army. The diversity of race prevented the military from conglomerating into a separate caste, as is the tendency of the natives of India when engaged in any particular calling or occupation. Still, even in Madras and Bombay, there was a bias towards hereditary service, and the formation of a class apart from the general community. In the Bengal Army the high caste Hindus (Brahmins and Kshatriyas) mustered so strongly, that they were able to make a close borough of a regiment and keep out all interlopers. They and the Musalmans maintained a monopoly of the military service. The old Bengal Army was thus a "class" army ; and when its evil destiny led it to revolt against its too partial masters, all its regiments stood and fell together.

The causes which combined to bring about the great military revolt of the Bengal Army in 1857 were many and various : but the bad administration of the army itself was certainly one of the principal of them. The abuses which prepared the way for the mutiny had been foreseen by some,—by none more keenly than Sir Charles Napier, who succeeded Lord Gough as Commander-in-Chief in India after the second Punjab War. Sir Charles set vigorously to work, and with more zeal than discretion, to combat the evil spirit which was already manifesting itself in the Bengal Army ; the sloth and luxury of the English officers : the prætorian insolence of the men. But he was opposed and thwarted where he should have been supported, in high quarters to such an extent, that he resigned his office in dudgeon. Had he been allowed to carry out his proposed reforms, the Mutiny might have been at least postponed, if not altogether averted. But fate would take its course.

One of the most curious symptoms of the degenerate state of the Bengal Army was the un-English impatience of criticism or reproof. If any one ventured to hint that the army was not quite what it should be, that the sepoy might be made a better soldier than he was, the rash critic was hooted from one end of India to the other. Every one, from Members of Council down to regimental subalterns, joined in loudly proclaiming the inestimable virtues of the Bengal sepoy. The officers were ready to stake their reputation on the valour and fidelity of their men.

In obscure corners it was darkly hinted that the conduct of some of the regiments in the recent Afghan and Sikh wars had not answered to their previous reputation ; there were some ugly stories of guns abandoned and colours lost ; but these whispered scandals were drowned in the loud blasts of praise blown by the official trumpets.

Prophets of the catastrophe had not been wanting : but they had spoken to deaf ears. The Reverend G. R. Gleig, the Chaplain General and historian of the British Army, had, as long before as 1845, written as follows in his "History of the British Empire in India," where he is drawing a comparison between it and the Roman Empire :—

Again though both powers may be said to have used their vassals as self-acting instruments of continued degradation, by the English alone has the hazardous experiment been tried, how far the system of arming men that are governed only by the sword, may be adopted with safety in their own country. Be it remembered that the Romans, after embodying their legions of allies, took care to remove them to a distance from their native land ; and thus held in subjection Britain, for example, by means of Spanish cohorts, Spain through the terror of British soldiery. But the English put weapons into the hands of Hindus and Musulmans, that they may keep the yoke of their masters on the necks of their brethren : and up to the present moment, at least, no mischief has resulted from the experiment either to the rulers or the governed. How far the practice will continue to produce like results, time, and time only can determine.

Time did answer the question very emphatically. In 1857 the Indian Army had attained its greatest numerical strength. The European portion of the Company's army consisted of twenty troops of horse artillery, twelve battalions of foot artillery and nine battalions of infantry : the Native Army comprised seven troops of horse artillery, six battalions of foot artillery, three corps of sappers, twenty-one regiments of regular cavalry and thirty-two of irregular horse ; one hundred and fifty-six battalions of regular infantry, and sixty battalions of irregulars. Besides these troops of the Company's, there were the Hyderabad Contingent, the Gwalior Contingent, the Joudhpore and Kotah Contingents, mustering about a dozen regiments of cavalry and twenty battalions of infantry. The aggregate of this huge force did not fall far short of two hundred and fifty thousand men. This formidable host had grown up by degrees from the half dozen companies of sepoys, who had been drilled at Fort St. David, to fit them to encounter the French sepoys in 1746.

For one hundred years the efforts of the Company's military administration had been directed to assimilate, as far as possible, the Indian sepoys to British troops even in their outward appearance. And in the sedulous pursuit of this object, they

had so swaddled the army in the bands of red tape and routine, that they had ended by seriously impairing its efficiency. The irregular regiments were the best part of the army, simply because they were irregular, and they attracted a better class of men. The fidelity of the sepoy to his salt had passed into a proverb, when the Mutiny burst upon British India like a bolt from the blue. The war which followed proved conclusively the helplessness of native troops without the guidance of European officers. It was boasted that Madras sepoys had overthrown Frenchmen in a bayonet charge, and under Lord Lake, Bengal sepoys had rushed to assault the breach at Bhurtpore from which English soldiers recoiled ; but now their behaviour shewed that a hundred years of European training had almost been thrown away upon them. It is true that their native officers, even had they been qualified in other respects, were inefficient from old age : but it is still curious that these veteran troops should have been defeated by the rawest levies, and even by villagers headed by an Englishman. Tantia Topi, who had not been a regular soldier, was the only leader on the part of the rebels who displayed any of the qualities of a military commander.

In the Mutiny the whole of the Bengal regular army disappeared, except eleven regiments of infantry, which, for the most part, were preserved from sharing the fate of their comrades by the chance of their being quartered for the time in Burmah or China. Most of the irregular regiments were also wiped out, and those which remained were incorporated, along with the fresh levies raised during the Mutinies (mostly in the Punjab Province), in the new Bengal Army. From this time the Punjab took the place of Oude and the North-West Provinces as our principal recruiting ground and the chief nursery of our military strength in India.

The Mutiny had a considerable effect also on the destinies of the two minor armies, both of which had assisted in suppressing it. In the Bombay Army some of the Hindustanis manifested sympathy with their caste men of the Bengal Army, and it became necessary to disband three regiments, two of which had actually mutinied. In Madras one cavalry regiment demanded an increase of allowances when called upon to serve against the mutineers, and was promptly disbanded.

It was determined, however, after the dearly bought experience of the Mutiny, to greatly reduce the strength of the whole Native Army. The Bengal Army had reduced itself, and the tranquillity of the countries within the limits of the Madras Presidency, and the complete pacification of Pegu, had left the Madras Native Army more than sufficient for the requirements of its own Government. Madras regiments were

garrisoning many stations within the territorial limits of Bengal and Bombay. The old Coast Army was reduced at once by four regiments of cavalry and twelve regiments of infantry. This sweeping reduction had a most unfortunate effect on the army: all the English officers, and the Native commissioned and non-commissioned officers of the disbanded corps were drafted into the regiments that remained. This put a stop to promotion for many years, and the age of the officers and sub-officers became a serious obstacle to their efficient performance of their duties.

At the same time the Native Army was re-organised, and the regimental cadres of English officers abolished. Their place was taken by a staff corps for each Presidency, from which the Native regiments were officered, much as the horse, field, and garrison batteries of the Royal Artillery are officered from the general list of the officers of the corps. This system sprang out of the haphazard way in which the newly-raised levies had been organized to take the place of the old Bengal Army. This new organization was now introduced into the Madras and Bombay armies, and as the number of English officers of a regiment was reduced by two-thirds, a great number of officers became supernumerary, and were relegated to "general duty." The discontent in the Madras army was increased by the inefficient manner in which the new organization was introduced by the Commander-in-Chief. The Bombay army was on the contrary fortunate in being at this time under the command of Sir Robert Napier, afterwards Lord Napier of Magdala, a keen and experienced soldier and a just and able man. It was also fortunate in escaping any serious reductions, only losing two regiments of infantry. The career of the Bombay army has, indeed, been a singularly successful and unbroken one. Much later than the other two armies in arriving at maturity, it has undergone none of the violent fluctuations of fortune to which they have been exposed: and it has always preserved unimpaired its traditions, its discipline, and its general efficiency.

We are constrained to think that the new or present organization of the Indian Army infantry, with eight English and sixteen Native officers to the battalion, is in principle faulty. The field and staff officers are too many, and the company officers are too few. The English officers are really all in the former category; but one field and two staff officers are sufficient for the work of any battalion. No link is required between the battalion commander and his company commanders; nor does such a link exist in the army of any civilized power except in the Indian Native

Army. In the cavalry the new system works better, for the English officer has duties in the field as squadron leader, while the Native officers are the troop leaders : and the tactical value of a squadron may be reckoned as equal to that of a battalion. But in fact the British officers are kept with a Native regiment more for the purpose of leading the men in the field, than for managing them in quarters. The discussions which followed upon the lectures delivered at the United Service Institution shewed a general consensus of opinion to the effect, that the Indian Native officer is not yet quite fit for the position which was assigned him in the re-organization of the army thirty years ago.

The supply of a good class of Native officers to our army is a serious problem. In a big war a great deal would depend upon our company officers. The best native officers we now have are the young men of birth who enter some of the Bengal regiments as probationers. Some of them are equal to English officers. The Nawab Muhammad Ali Beg Afsar Jang, aide-de-camp to His Highness the Nizam, and who holds the rank of Major in our own army, is a soldier of whom any army in the world might be proud : as able in matters of organisation and administration as he is daring in the field. He was once a Jemadar in our Hyderabad Contingent cavalry, and comes from a noble Persian family who emigrated to India less than a hundred years ago. Men of his stamp are found, more often among Persians, Arabs, and Afghans than among those who have been long settled in India.

The regulations as to limits of age, service, &c., designed to procure young native officers, are very vexatious to the army and do little real good : hard and fast rules of this kind cause a great deal of hardship in individual cases and often miss their mark, for a man of forty may be older as far as physical fitness is concerned than another man of fifty : and besides, among natives, it leads to the falsification of registers and dates of births.

The proposal to found a school for the training of Native officers is not likely to prove of much benefit to us. It is not theoretical knowledge that we want in our company officers, and the army itself is the best training school for a subaltern. Probably the fairest way of procuring Native officers by promotion from the ranks would be to leave their selection entirely to the commandants of battalions. How powerless human prevision is against the inevitable current of circumstances is shown by the fate of all the precautions taken to prevent the recurrence of a general mutiny. The Native Army was only to be armed with smooth bore muskets, and was never to be trusted with rifles. Now it has

got not only rifles, but breech loaders. The battalions were to be reduced to six hundred rank and file to render them less formidable. Now they have been raised again to their old strength, as it stood before the Mutiny. The numerical strength of the Native Army was to be diminished by one-half. Now the Government are striving to arm and train two hundred thousand native soldiers who are in the pay and employment of Native States, to make them fit to come into line with our own Native Army. The wisdom of one generation is the foolishness of the next.

Similarly, it was announced that the institution of the staff corps provided against the mischief of the officers of native regiments being withdrawn for other employment. This mischief is just as rampant now as it was under the old organization, only now a reduced establishment has to bear the same strain. The fact is that when the Government wants a qualified Englishman for any post, the only place it can find what it wants is among the officers of the Native Army ; consequently the regiments are always short of their proper complement of officers, and many of the best men are withdrawn from the army for civil duties. Some complaint was also made at the United Service Institution of the inconvenience of the present method of supplying the staff corps (which is only a fine name for the Indian Army) with officers, which fails to fill it sufficiently, while it depletes the British line battalions of their subalterns. The system would certainly be unworkable in the event of a European war ; but we may console ourselves with the reflection that we have an inexhaustible supply of excellent company officers in the youth of our upper and middle classes in England, upon which we can at any time draw to fill up the cadres both of the British and Indian armies.

The institution of the staff corps has led to a curious state of things in the Indian Army, whereby the rank of an officer has no connection with the duties he performs, and little with the emoluments he receives. A captain may be carrying on the duties of either a field officer or a subaltern in a Native regiment, and every officer doing duty of any kind receives extra allowances to the pay of his rank. Such allowances were formerly granted only for some special purpose. For instance, the command allowance of a regiment was given to enable a Lieutenant-Colonel to "keep a table for his officers" ; in modern phraseology to keep up an establishment suitable to his position as the head of a regiment or battalion. But proportionate allowances are given to all officers of Native regiments now-a-days, and they are looked upon as an integral part of their pay. If the commandant devoted any large share of his command allowance to entertaining his officers, he would be worse

off than his second in command, who is under no such theoretical obligation.

The title of second in command is surely a misnomer: it is a title taken from the irregular regiments of the old dispensation, whose English officers were a commandant, a second-in command, and an adjutant. The second in command was the Major, the officer on whom the command devolved in the absence of the commandant. But his title was an unfortunate one, inasmuch as there can be, or ought to be, no such thing as a division of command. In the army as at present organized, it is superfluous, as the title of Senior Wing Commander would be sufficient to distinguish its holder.

The old Bengal Army was what would now be called a class army, recruited from one race, and from only two or three castes of that race. The present army is as heterogeneous as the old one was homogeneous; being composed of men from all the diverse warlike races scattered throughout Northern India, from Nepal to Rajputana, from Oude to the borders of Afghanistan. Some of these races are formed in separate regiments by themselves: in other cases they are kept in separate companies in the same battalion. There are five class regiments of cavalry, and twenty-two class regiments of infantry: the remaining corps have class troops or companies. There is not a single regiment in the Bengal Army in which the different castes are indiscriminately mixed as in the Madras and Bombay regiments.

The old Bengal Army was started as a mixed one, but the regiments from the first became virtually class regiments. There are apparently still jealousies and antipathies among the peoples in Northern India which have been smoothed away by fusion in the Deccan. In the Bombay regiments Sikhs, Pathans, Mahrattas, and Rajputs may be seen consorting amicably together. In the lines of a Madras Native corps, a Hindu family may have Musalman neighbours on one side and Christians on the other, and Pariahs living across the road: but all these professors of rival creeds present the pleasing spectacle of a happy family living together in peace and harmony. As we observed before, the tendency of a common calling in India is to create a separate caste, and the Musalman and Hindu sepoys of a Madras regiment are more in sympathy with each other than they would be with townsmen of their own religion and race. Still it is probable that they would not work together as well as would a regiment in which all the men are of the same nationality, as Sikhs or Gurkhas. The disintegrating element in a battalion, where five or six different races are represented in as many troops or companies, must be still greater than in a regiment in which they have

been fused together throughout all the companies. We should think that such regiments would be very apt to resolve themselves into their constituent elements under the pressure of reverse or disaster.

The feeling of the officers is decidedly in favour of class regiments, and Lord Chelmsford stated, in the course of the discussion which followed on General Gordon's lecture, that in his opinion "the fighting efficiency of the Bengal Army would be increased enormously if regiments were all on the class system." The only European army that can be at all compared to our Indian army in this respect is the Imperial army of Austro-Hungary, which is composed of several different and even hostile nationalities in fairly equal proportions, and which are all kept distinct in class regiments. The Poles from Galicia carry their national weapon in the Hulan regiments, and the Magyars of Hungary wear their national dress in the hussars. The Tyrolese marksmen are the jägers of the army, and the Sclaves and Croats and Germans all form different regiments in different army corps. Such a force of course contains in itself an essential element of weakness ; and *ceteris paribus*, can never equal the efficiency of a truly national army.

Much is often said about the desirability of recruiting our native army from "warlike" races, and there are those who would confine enlistment to the men of such races, and would debar all others from our military service. But this would be tantamount to eventually excluding our own subjects altogether from our army : for no race will long remain warlike, or retain its martial habits and traditions unbroken, under our peaceful and law-respecting rule. Most races of men have been warlike at some period of their history, and unwarlike at others. The Rajputs and the Mahrattas were for long the most warlike races of India ; but those of them living under the pacific rule of the English Government have turned their thoughts from war and plunder to peaceful gain. An oriental nation of warriors soon loses its martial instincts when their exercise is no longer required or even permitted. The Sikhs are rapidly taking to peaceful pursuits as the Mahrattas have already done ; and it is a significant fact that a large proportion of the recruits in both the Bengal and the Bombay armies come from the territories of Native States. In former days the majority of the sepoys of the old Bengal Army were by birth subjects of the Kings of Oude : and their resentment at the annexation of their own country, in which they had been hitherto invested with a certain amount of prestige and privilege as soldiers of the Paramount Power, was one of the causes of the outbreak of the Mutiny,

At the present day the Bombay Army is greatly dependent for its supply of recruits on the Native States of Central

India : and our gallant Gurkha soldiers are almost to a man subjects of Nepal. In our own provinces the classes which furnish recruits have found more easy and profitable means of earning a livelihood, and the custom of warlike exercises and of carrying arms has fallen into disuse. It would hardly be wise to restrict our field for recruiting to particular districts, whose inhabitants will assuredly, in the course of a few generations, lose the warlike proclivities which distinguished them before they came under our rule ; as those populations have already done who have been longest under our sway. It would be hard to find more unwarlike men than the peasantry of many European countries : yet they form the bulk of their national armies, and make good soldiers. Similarly, it is often maintained that we should confine our recruiting operations to the finest and most spirited of our subject races, and should exclude the weaker and more pacific of our fellow-subjects from the army. When we can obtain Sikhs and Gurkhas as recruits, it is said, why enlist Poorbeas and Telingas ? But it would be unfortunate for the future of our Indian Army if we were limited to particular races or territories for the supply of the material for our army. All races and all classes should equally bear their fair share of the defence of the Empire which they are all equally interested in maintaining : and to allow the martial spirit of the majority of the population of India to decay utterly for want of use, as there appears to be some danger of its doing, would be a grave error which we might repent of bitterly when too late.

There is no question but that a mountaineer generally makes a better soldier than a dweller in the plains, and that the inhabitant of a cold climate is more robust and hardier than one who lives in the tropics. The Prussians are doubtless better soldiers than the Bavarians, and the Piedmontese than the Neapolitans, but we do not find Bavarians or Neapolitans excluded from the German or Italian armies. The monarchs and generals of those countries know better than to lose the resources afforded by millions of the population, because they have not the thews and sinews of the Swiss, or the inches of the Pomeranian. If a man is not naturally a soldier, he can at all events be made into one : and we could give innumerable instances where inferior troops have beaten armies of enemies, who were, man for man, their superiors in strength and physical courage. Hindoo sepoys when led by British officers have often beaten Arabs, Sikhs and Afghans, and even the redoubtable Gurkhas. It is the spirit which animates an army, and its confidence in its leaders and in itself which wins battles : and it is a trite axiom that in war, the moral force is to the physical as three to one.

The Indian Army is on the eve of great changes in its

organization. The regiments of cavalry have already, for the most part, had the fourth squadron added which was required to make them efficient for the field, and the single battalion infantry regiments will soon be clubbed into regiments of three battalions : the battalions have already been linked in groups of three, preparatory to such a measure. A four-battalion organization would be better still, as that admits of three battalions (a force equal to our present brigades)\* taking the field together, while the fourth battalion acts as a dépôt. When one battalion serves as a dépôt to only two others, there is some waste of force. But at all events this reform was imperatively demanded, if we hope ever to carry on a campaign against a European power. The amalgamation of the battalions in one regiment must be a real one, if we are to reap the resulting advantage in efficiency and economy ; not a sham one like the double battalion system of the British Army, where the two line battalions of the territorial regiments are still, to all intents and purposes, separate corps. But India offers great facilities for fully carrying out the territorial system which is now the basis of army organization in all the States of Europe, and without which an army reserve is a sham and a hollow mockery. A reserve system has lately been elaborated for the Native Army, but we do not expect that it will lead to any appreciable augmentation of our military strength ; on the contrary, it will be more likely to do us damage by inspiring a vain confidence in its possible efficacy.

We do not see how a reserve system can be worked with profit and advantage under our method of recruiting our army by voluntary enlistment. Such a system is the natural corollary of universal compulsory service which we are not likely to see introduced for some time into our Indian Army. Under such a system it is absolutely necessary to pass men into a reserve to make room in the ranks for the crowd of recruits who annually pour into the army. Under our system the reserve cannot be raised to a useful strength without depleting the active army. In order, therefore, to keep up the small reserve of the British army, the ranks are filled with immature striplings. The real cause of our frequent disasters in the recent Zulu, Afghan,<sup>1</sup> and Transvaal wars was, that boys in our ranks were opposed to men on the side of the enemy. What did the Great Napoleon say as to the value of young soldiers ? Speaking of the success of the French revolutionary levies against the veteran armies of Austria and Prussia, he said "It was neither the conscripts nor the

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[\* An infantry brigade is in future to consist of *four* battalions. See Infantry Drill, 1889." But brigades would always consist of European and Native troops combined.—ED.]

volunteers who saved the Republic, it was the hundred and fifty thousand old soldiers of the Monarchy who, after the outbreak of the revolution and the flight of their officers, were drafted into the Republican armies. Part of the conscripts deserted, part died, those who remained made, *in process of time*, excellent soldiers. You will not soon catch me going to war with an army of recruits!"

Fate however forced him to belie his own words in 1813 when France had been stripped of her manhood by his ceaseless wars, and he had to lead an army of boys to defeat and destruction in the desperate campaign which culminated in the disasters of Leipzig. The French boy-battalions had to be kept in column under the fire of the hostile artillery, because they could not be trusted to stand when deployed in line: and at Kulm and on the Katzbach they proved physically unequal to sustain a hand to hand combat against the mature Prussian soldiers. The fault of our English and Indian reserve system is simply this: if we get a reserve large enough to be of any use, we cannot get recruits to fill up the gaps in the active army, or to get them, must accept weak and undersized men. Besides, it must be taken into consideration that, under the continental system, the reserve soldiers are not paid except when actually called out for training. The enormous reserve forces kept up by the great military powers cost the State next to nothing, while our reservists are paid a handsome retaining fee for their willingness to serve when called upon. The reserve system of the continent enables a State at a very trifling expense in peace time to treble its army on the outbreak of war, while our English and Indian systems incur a continual heavy expenditure for the prospective benefit of making a trifling addition to the strength of the army on the outbreak of war. There is nothing in common between the two systems except the name of reserve. It would be more effectual and economical if the money provided for our Indian Army Reserve was expended on an addition to the number of men actually serving with the colours.

The strong regiments of the Indian Army with their four squadrons and three battalions each, will for the future be collected in four army corps, instead of in three separate Presidential armies. The Madras and Bombay armies will probably remain as in their present commands; and the Bengal Army will be split into two corps, one for the Punjab and one for the North-West Provinces and the Eastern frontier. Each army corps will be under a Lieutenant-General, and the Commander-in-Chief in India and his staff will no longer be the exclusive property of the Bengal Army. The new arrangement certainly seems more practical and more business.

like than the present lop-sided manner of doing things, under which the success of a Lieutenant of the Bengal staff corps in passing the lower standard in Hindustani is gravely notified to the world in the *Gazette of India*,\* while the transfer of the command of a regiment in the Madras or Bombay armies remains unnoticed and unrecorded. And as many similar anomalies arise out of the fact of only one of the three Presidency armies being immediately under the control of the Supreme Government, the proposed army corps organization will remove this obstruction to the consistent control and management of the whole army, though it may well be imagined, that from the fact of the Commander-in-Chief's headquarters being necessarily located with the Supreme Government at Simla and Calcutta, the opinions and wishes of the officers of the army corps stationed in the locality of those places will still have a preponderating influence in army counsels. The Madras and Bombay armies will certainly suffer very little from their removal from under the control of the Governors and Councillors of their own Presidencies, who are so absorbed in matters of local civil administration that they have not time to pay sufficient attention to army matters.

The Indian Army has a great future before it, and will, no doubt, have many opportunities of adding to its already not inconsiderable harvest of laurels. We wish it all good fortune and success, but we are not insensible to the perils which beset its path ; perils which have once already almost proved fatal to its existence, and the evil influence of which may not be perceived until it has become too late to remedy their effects. These are the substitution of the letter of rules and regulations for the principles on which they are founded—the preference of red tape and routine to common sense : and the relaxation of the bands of discipline owing to a humanitarian sentiment opposed to severity—a sentiment laudable in civil life, but sadly out of place at the head of an army. General Gordon made some pertinent remarks on this matter in his lecture when he was noticing the cause of the superiority of the irregular regiments to the regular regiments of the Indian Army. He said "These regiments were notably efficient. The officers were less fettered by the unbending regulations enjoined on the regular regiments, they had greater power to punish and reward, were in positions to assume larger responsibility and freedom of action, and were supported in the full exercise of their authority. The supremacy of the commandant was the main principle. The system made the

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[\* Should this not be "General Orders by the Commander-in-Chief in India?"—ED.]

officers. In the regular regiment, on the other hand, the commanding officer's authority was much hampered and interfered with ; there was too much successful appealing on the part of the men against punishment, and ill-judged leniency in dealing with crime too often resulted."

The senseless reductions which are ever and anon carried out under pressure of financial panic to effect some utterly paltry saving should be abandoned. A short time ago a reduction was made in the number of lascars who perform the duties of pioneers\* in native regiments. These men, who had been enlisted without any limit of time, were summarily discharged or pensioned at a few day's notice. The saving effected was trivial, for most of the men were transferred to the pension establishment on half their rate of pay. At the same time sepoys have to be withdrawn from the duties of a soldier to do the work of the lascars pensioned. The Government thus loses the services of two men, to one of whom it pays four rupees a month as a pension for doing nothing, though he is hale and able-bodied. Meanwhile, the rumour is circulating in the bazaars that the tribute paid by the sirkar to the Russians to prevent them from attacking India has so exalausted the treasury, that there is no longer the wherewith left to pay the lascars. Indeed, the chief mischief of these senesless petty reductions is the disquieting effect they have on the minds of the native soldiery who have hitherto trusted implicitly in the permanency and stability of employment in our service. Change is the great bugbear of the Native Army.—Even changes resulting in benefit to the interests of the men are watched narrowly and with suspicion. Our continual innovations and alterations in organization, in dress, in equipment, distress and disgust the sepoy. He would even welcome a change of masters, if it would guarantee him against undergoing any other change for the future.

Reduction is a form of change which is of course especially obnoxious to him. It affects his material interests, and though he may have himself escaped suffering from the reduction of to-day, his relatives or friends may have been affected by it, and it may be his turn to suffer to-morrow. If reductions were made gradually by absorption on the occurence of vacancies, they would inflict no hardships, and cause little attention : but made as they usually are in a sudden financial panic, and without any regard to the future results, they are always the cause of infinite dissatisfaction, and sometimes of eventual increased expenditure.

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[\* They are never employed in this way in Bengal. They had charge of ammunition, a duty much better performed by soldiers.—ED.]

When reductions are advisable and necessary, let them be made by all means : but no effect is produced on the estimates by dismissing a peon here, and a hospital sweeper there ; and the material gain is quite counterbalanced by the uncertainty and consequent discontent which is engendered among our native soldiers and camp-followers. If it is absolutely of vital necessity to save a few hundred rupees a month immediately, instead of dismissing and pensioning off a number of poor men whose scanty pay is all their subsistence, the sum required might be cut from the pay of the Commander-in-Chief, the General Officers Commanding Districts, and the superior grades of officers in staff, regimental and departmental employ. We do not mean to say that these officers are overpaid, or that they do not earn their pay worthily ; we only argue that reduction should begin from the top, and not from the bottom ; and that the example of cheerful resignation to necessity for the good of the country and of the service, should be set by the highest to the lowest. "Chinese" Gordon commenced his reform of the military administration of the Cape colony by reducing his own salary ; but though we can all admire his example, there are very few to be found who care to imitate it.

## ART. II.—THE EKADASI FESTIVAL AT SRIRUNGUM.

THE town of Srirungum is situated on an island formed by the Cauvery and the Coleroon. Eight miles to the west of the town, the sacred river branches into two, the southern known by its original name of the Cauvery, and the northern as the Coleroon. As they flow eastward, they recede further and further from one another. In the area between them is situated the town of Srirungum. Srirungum is the realised idea of Vaikuntha\* on earth. Few sights, with the exception of mountain scenery, are more pleasing than that of Srirungum when the rivers are full to overflowing.

The town of Srirungum and the temple of Srirungum are co-extensive. I will suppose that you enter the town through the southern gate. This gate is the Rajagopuram, a huge colossal structure of gigantic dimensions. It is flat on the top without the spiry head characteristic of Indian architecture. It is the southern gateway in the first of the eight enclosing walls. If you pass straight north, you will enter three other gateways all in the southern walls. Over these are tall towers. These four walls enclose within them three broad streets which run parallel to one another. Similarly, those who enter the town from east, west and north, will pass through similar gateways, similar towers and streets. Further on are four more walls. In two of them are two gateways mounted also by towers. Corresponding to these two, there are no towers in the east and west, but only in the north. Within the last or eighth wall is the shrine of the god Runganatha. The fourth, fifth and sixth walls enclose within them temples of various minor deities. The innermost shrine, the abode of Runganatha, has a tower, mounted by four gold pinnacles of considerable value.

The legendary account of the baldness of the outermost gateways is, that the temple was built by gods, who agreed to complete it in one night, unobserved by men. With all their diligence, the four outermost towers could not be built before daybreak and were therefore never completed. This legend well illustrates to a stranger the dimensions of the temple, the labour and money it cost. It was, and is even now, believed by the masses with absolute faith, that mere human agency could not have constructed it. The truth is that in ancient

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[\* Vaikuntha or Bykoont—Paradise.—ED.]

times, when their activities were confined to narrow channels, and commerce had not opened up new fields for Indian enterprise, the pious devotion of local kings built and enriched this and many other great temples in Southern India. The unadulterated Hindu mind is essentially pious. This feeling of piety gave rise to graceful and sublime works of sculpture and architecture. All that opulent devotion could devise, all that religious mendicancy could accumulate, all that individual charity could spare was bestowed with a lavish hand upon the temple. This great and important temple of the Vaishnavas in Southern India was originally endowed with many lands. These lands were taken possession of by the Government, which has granted in exchange an annual income of Rs. 35,000. Private charity contributes an equal amount, and these sums are spent for the temple.

In Srirungum, almost every day is a festive day. The most magnificent and widely celebrated is the Ekadasi festival. It originated, like many other Hindu festivals, in a myth. The ten Alwars or devotees of Runganatha had composed hymns in his praise. The Alwars correspond to the saints of the Romish Church. Runganatha wished to hear them recited. He accordingly seated himself "high on a throne of royal state," and the Alwars sang forth his praises. This story is represented every year in the Ekadasi festival. Ten idols represent ten Alwars, and an eleventh the principal deity. The whole festival lasts for twenty days. It begins on the first day of the light half of the month, *i.e.*, the first day after the new moon in December. Ekadasi is the eleventh day of either half of the month, and hence the name of the festival. On the first ten days the god-idol is taken every morning to a gorgeously decorated *mantapam* between the sixth and seventh enclosing walls. It is profusely adorned with gold, pearls and precious stones. As soon as the idol is seated, the ten Alwar-idols, with eight others, representing eight priests who died at different times, are taken from their several abodes to the divine presence. They are arranged in three rows, two on the sides and the third in front of the god-idol. Four Ayyangars then chant the hymns in loud tones with appropriate gestures. They have hereditary rights, called *mirasi* rights of recital. These rights carry with them certain emoluments. All the time the songs are recited, people of the town flock to the place to hear the sacred hymns. Thither go men, women and children, dressed in their best attire, decked with their best ornaments. The Ayyangars with their *namums*, distinguishing marks of their caste on their foreheads and bodies—marks alike for the pen of satire and praise of piety—are the most prominent of the pious throng. I must pause here to denounce

a distinction observed by Ayyangars, for it is disastrous in its consequences. If two Brahmins, one an Ayyangar and another a non-Ayyangar, go together to worship, certain marks of respect are shown to the one in preference to the other. On what principle of justice or morality can this be defended? No class of people in the world so much merit the censure of perpetuating discord and disunion among their fellowmen as the orthodox Ayyangars in India.

After the recital is over, large quantities of cake are offered to the deity and distributed among people of the Vaishnava sect, but not among females. This is the routine during the first ten days. On the tenth day is the celebrated Mohini Vesham. It is five in the evening. All Trichinopoly is pouring out to Srirungum. Some go in carriages drawn by horses and bullocks, but most people go on foot. On the night of the tenth day the idol is brought out dressed like a female. The story is that in the ultra-mundane world, there were two classes of beings, the Devas and the Asuras, gods and devils. There had been an inveterate enmity between them which was the source of constant quarrels. To make a short end of the quarrels and extirpate the Asuras, who were superior in number and strength, the Devas, with the advice of Vishnu, determined to churn the milky ocean for nectar, the effect of which would be to make the drinker deathless. The Devas being too weak to churn, they secured the aid of the Asuras by promises of giving them shares in the nectar. The Asuras gladly accepted the proposal, for they might get an object which would prolong life indefinitely, and thus enable them to indulge their natural propensities fully. The thirty-three crores of gods and sixty-six crores of Asuras met together, and moving the great mountain of Mandura into the milky ocean, used it as a churning rod. They made Vasuki, the serpent-king, into a churning string. The gods and Vishnu held the string by the tail, the Asuras at the head, and began to churn. Many things came out of the sea. Poison, the moon, Lakshmi, nectar came in succession forth from the foaming sea. During the whole process of churning the Asuras had to endure great hardships, for unable to bear the pain, the serpent-king emitted much poison. When nectar appeared, all were extremely eager to partake of it. Vishnu, however, had resolved otherwise. He would give it only to the Devas. He showed himself at a distance, in the shape of a woman of angelic beauty, like a flame-image, a perfect form, the cynosure of every eye. She was fairer than the fairest in heaven, sweeter than nectar. She was all that the exuberant fancy and warm imagination of the East could conceive. The Asuras, one and all, were beguiled. According to a preconcerted plan, the gods

remained where they were, and the Asuras, perhaps, taunted them for dullness. The Devas were thus enabled to consume the whole nectar themselves.

In commemoration of this event, the god-idol is dressed and adorned like a female, be pearled, be-diamonded. It is then exhibited in procession under a lofty, spacious stone-shed, between the fourth and the fifth enclosing walls. Songs embodying the story are sung in the morning of that day. The exhibition takes place in the night. Then all is a perfect blaze. Torches are kept burning on all sides by a continuous stream of ghee. The "busy hum of men," busy not in their calling, but in idle talk, drowns the voice of drums. Stone pillars are alive with faces of young women, of boys and of girls. They find there an asylum from the press of the throng, whence they may see the whole show at ease. Young children are also mounted on the shoulders of their elders to see the scene. Their eyes are fixed upon the blazing torches, or the idol with face shining like fluid gold. Happy is the man who, with his developed faculties, is blessed with such power of concentration. The passage of the deity is decorated high overhead with variegated canopies. Beautiful lights are hung from the ceiling. It is perfect day in night. All the world seems to have come here. Here and there, now and anon, you hear the wailings of women. Some rogue has cut off a necklace or a ear ornament. Identification is almost impossible. Some turbaned guardian of the peace may possibly have connived in the act. Young women cover their heads and ears with their clothes as a protection against the clever rogues.

It is twelve o'clock at night when the idol is put to rest. But the crowd does not disperse ; with the exception of a few who have houses in the town, it falls to sleep where it is, along the byepaths or in the *mantapams*. With anxious haste each one rises in the morning, goes to the Coleroon, bathes, and runs back to the temple to enter the gates of heaven. Old women, in whom life is but trembling, resist with their feeble strength the pressure of the crowd. Between the third and fourth walls, on the north side of the temple (heaven is believed to be in the north), is a gateway. This represents heaven's gate. It is closed throughout the year. Here the god-idol is taken in the early morning at half past six. The Alwar idols are also brought to have their promised sight of heaven. People from various parts of the country crowd to the place to see and enter heaven's gate, for they believe that, after death, they will see the real heaven and enter *it*. Many thousands of people are gathered there. A sea of heads, all engaged in conversation upon the innumerable topics which human life presents, and

which each finds it his interest to dwell on. The heavy mass is swaying to and fro, some trying to pass to the front for the mere pleasure of pressing through the crowd, some for the pleasure of seeing young people and old tossed about by the pressure, some for the pleasure of visiting the idol and taking a more distinct view of heaven.

There is perfect stillness now, for it is announced that the idol is coming out of heaven's gate. From there the idol is taken, the Alwars following—the crowd following or ranged along the sides on raised places—to a splendid pandal erected for the occasion.

In that vast throng you see people of all sorts. Let us take a brief survey of them, for "the proper study of mankind is man." You see there many youths of the other sex, women of from sixteen to twenty-five years of age, with long black hair made into beautiful charming knots or wrought into exquisite serpent-like weavings, with full eyes looking astonishment or joy or love or pity, as the case may be, shooting arrows from their bowshaped brows, with ivory teeth and coral lips, with forms breathing grace through every limb. You see their eyes occasionally fixed upon the gloriously decked idol and frequently upon the mass of population gathered below. You see them and wish time would write no wrinkles on beauty's face with his antique hand. It has always struck me as the most miserable lot of man, that he should be witness of fading beauty. Whatever may be the merits or demerits of such festivals, they certainly deserve fostering on this one account, if on no other, that they bring together so many human faces divine. If the end and aim of man's life is happiness, and if happiness is very various as to the sources from which it springs, surely feasting the eyes with the noblest work of God in a pre-eminent degree were in need of no elaborate defence. I am no defender of waste of money. Greater charity cannot be conceived than of giving poor people the means to fill their starving stomachs. I am aware that if all the money spent upon festivals were invested in any great manufacturing undertaking, many mouths would be better fed. We cannot, however, I think, lose the pleasure afforded by festivals. I am not sure that if festivals be abolished, the sum of human happiness will not diminish. But retrenchments can and ought to be made in the scale of expenses. Instead of religious and charitable endowments being allowed directly or indirectly to be utilised for the maintenance of dancing girls, lazy Brahmins or worldly Dharmakartas, let trustees and managers set apart such sums as are absolutely necessary for the proper conduct of festivals, and invest the surplus and capital in commercial and manufacturing undertakings. This will not only be conferring

an immense boon upon the country and the poor, but also a means of enriching the capitalist temple.

Let me give you specimens of conversation among female friends. Listen,—a blooming girl of sixteen says to her companion—"See, yonder goes a fair young man with his hand clasped in a friend's." You hear a damsel fond of jewels and precious stones ask another, "What did you pay for that *jimiki*?"\* Another strikes in and asks with a smile upon her dimpled cheeks, "Who purchased it for you? Your husband I suppose." Another passionate girl asks her confidante, "How does your husband treat you? Is he amorous?" A girl who will have her husband all to herself, complains to her friend "my mother-in-law does not treat me well. She is jealous of my husband's fondness of me." An unfortunate girl, whose husband has only a sullen face for her, bemoans her fate to a friend. One mother asks another "Why have you not got bangles?" She answers, "I have daughters. I wish to send them to their husbands, and must send them covering their ears and noses. What care I for ornaments when those children have not?" "True," says the other, ' My daughters are in the same plight. Either parents must be rich or husbands must be rich. How else can girls hope to wear jewels?"

Turn we now to the class of young men: These, as you know, are men superficially affected by the influence of modern science and philosophy. They are either sceptics or unthinkers, not free thinkers, but unthinkers, the great majority. They, of course, do not attend the festivals for the sake of pouring forth

"Their fervours with a healthy mind,  
Obedient passions and a will resigned."

They go there to feast their senses. To them, the most pleasing part of the scene is the long rows of young women ranged on the sides. As their eyes pass along the rows, they meet with a succession of fascinating sights, beautiful faces—rendered more beautiful by wreathed smiles, or dark laughing eyes. As you walk by the rows, your sense of smell is gratified by the air charged with scents of flowers worn by the women, your ears by the music of their speech. You feel a pleasure which were better unanalysed, which were better felt than explained, which you must feel for yourself with all the earnestness of your nature.

Let us now glance at the class of old men: They are either genuine or spurious. The genuine old man goes to the place to worship the deity. To him, probably, the idol differs in no respect from the real deity. Philosophy is a dream. He is no

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\* A ear-ornament.

speculator. He chants his prayers in his hoarse bass voice in loud tones. He does not feel shy, like your nineteenth century young men, to speak loud. A smile streaks your face. It is, I see, partly scornful. You laugh, I believe, at his repeating those Sanskrit prayers without knowing their meaning. You are a Sanskrit scholar, and you laugh, because he breaks off the sentence in improper places. Now, he prostrates himself before the idol. He has done so many times within the last five minutes. He is under the impulse of a blind faith. Who begins to question the divinity of the idol, or ask the meaning of the prayers he has all along been repeating, is a heretic and a blasphemer. It is a formula with him which he sacredly keeps to go and worship god on this day especially. He goes there because others go, because his parents had gone before him, because he had been taught in his childhood to go. Custom is the grand reason with him for many things. Only form remains. The spirit in all institutions is gone. The genuine old man has faith in forms; the spurious has not even that. Brahmins are paid to chant Vedas behind the procession. Some do repeat. They do their work with what little faith they have. Others there are who indulge, some in obscene conversation, some in various earthly topics concerning themselves. Sensual bliss is all that the spurious old man knows. His mind never soars like that of the genuine old man to the heavens above. His thoughts in presence of the idol are not fixed upon the god of nature.

There are also rogues, pickpockets, and cut-purses in that miscellaneous assembly. Festivals in great temples are their harvests. They have too much faith in the theory of profit without labour. Often they are caught and soundly belaboured. They are adorers of the god of chance. To chance they trust for escape without detection. You can hardly tell them from honest, respectable citizens. They appear in neat and even valuable dress. They carry with them very sharp but exceedingly small knives with which they cut off ornaments. Their subtlety and skill are striking. Would that these were shown in honorable walks of life instead of in knavery and rascality! In many cases it is long before the loss is known.

We are now in the great pandal. It is a grand shed erected annually at a cost of Rs. 5,000, adjoining what is popularly known as the thousand-pillared *mantapam*. This *mantapam* actually contains only nine hundred and forty stone pillars. To make up the deficiency, the pandal is built on sixty wooden pillars. It covers a large area, oblong in shape. The roof is thatched. It is lined inside with beautiful colored cloths. Various sets of dolls are placed in different corners on raised stages. It is a glorious sight, unmatched by any even in this

country of splendour. All the opulence of the earth, all that the wit of man could invent to enhance the charm, the symmetry of the limbs of the idol, the radiance of its ornaments, all rivet the eye. A faithful, sincere soul, aided by a warm imagination, forgets self for a moment and enjoys supreme happiness. If but man's imagination can endow the image with life, there is naught in this world to equal it. The charming *kasturi* mark on its forehead, what can equal it? For a while, the idol is kept in the pandal, borne on the shoulders of Ayyangars. It is afterwards seated in the stone mantapam. Here the chief Alwar sings the remaining hymns. So on it continues for ten days. On the last day, the deity receives the Alwars into the fold of heaven. Thereafter there would be no birth and no death, which in the philosophy of the Hindus is absolute bliss.

If, after the bustle of the Ekadasi day is over, one would take the trouble to cast his eyes from the direct scene to other places, and take a walk about the town ; if he would go, for instance, to the Coleroon and satisfy the natural desire of an external turn of mind, that of walking down the bed of the river for some distance, he would be well repaid the trouble. He would see there brought together the most excellent specimens of native bullocks, tall, plump, stately creatures, with high tops, broad backs, thin sides, strong legs, all that nature could bestow and art develop, chafing under restraints, anxious to vent their spontaneity by running and bounding about without aim. You see there are old and young creatures. If one but thinks, beneath the surface of joy at seeing those beautiful animals, an undercurrent of sorrow passes and mingles ; if one considers that they are brought for sale ; if one will but impute to them human feelings, joys and sorrows, I imagine it is a most sorrowful scene in one aspect. Notwithstanding the pleasure one may have when one sees the silver on one's palm, it is hardly possible to part with your familiar, with whom you could have had no cause for quarrel, without a pang of sorrow. To separate him from a friend, from one with whom he had long been acquainted, in whose company he had no shyness or fear, and put him under power of a stranger seems selfish in the extreme. But such is the fate of man. Each is lying down on the sand and chewing the cud apparently as happy as at home, for it matters little where he is when he is by his master, not dreaming of the separation to happen so shortly,—perhaps at the very moment he is being bargained for. Man, with his vaunted reason, often knows not what is reserved for him in future, what the next moment will bring forth.

On the road sides, within the temple, wherever the crowd is likely to be thick, the miserable mortals of the world crowd in numbers. Seeing them, the very stone walls and pavements

will melt into tears or soften into pity. Men without eyes, men without hands, dwarfs with humps upon their backs, or legs twisted into knots, blind old men and women crowd together. Their only possible means of livelihood is the charity of strangers. Cast adrift in the sea of existence, without so much as a raft to take hold of, how are they to reach the shore? Children of poverty and hunger, life to them is a long disease. Death were more welcome. They gather there greatly expecting to be fed by charity. At sight of these, a merciful soul wishes for a house of relief, where the helpless shall be fed. It shall lend no stimulus to idleness by sheltering the strong and lazy fellows. Man must help his fellow man who cannot help himself. Rogues, too, there are among the beggars, those who pretend to be lame, or blind, or wanting some other limb. There is no greater pleasure to man than the consciousness of having served to make another happy.

There are various shops and bazaars. There are bookshops, cloth bazaars, vessel bazaars, bazaars where fruits and eatables are sold. You see young children worrying their parents to get for them something to eat. You see young women buying combs and looking glasses. Relatives meeting after a time converse on various topics, or exchange a few words and then part. Friends with sympathetic mind admire and call each other's attention to many things.

There are also many exhibitions. Unnaturally stout men, and men with heads like those of monkeys, all striking aberrations from average human shape, are shown to the public as calculated to bring in money to the exhibitors.

I have stated facts. You must draw inferences—inferences as to the economical, ethical, and aesthetic aspects of festivals. These are to be attended to, to study mankind, their weaknesses, their strengths, their meannesses, their grandeurs and their humours. Times of festivities are times of relaxation from the arduous labours of every day life for the greater part of mankind, and are, therefore, best fitted to explore certain regions of human nature.

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### ART. III.—RE-MARRIAGE OF HINDU WIDOWS.

IT is a thrice-told tale: a stock subject of discussion for publicists, philanthropists, reformers and platform speakers. It has been threshed out from all possible points of view for the last five-and-thirty years: from the position of a conservative Hindu Reformer by the venerable Pundit Iswar Chandra Vidyasagar, who combated to his own satisfaction the popular objections against it with all the texts of the *Shastras* his vast erudition and subtle acumen could marshal forth, and succeeded at last in persuading the then Government to enact a permissive law, declaring the hymeneal re-union of Hindu widows according to Hindu rites as legal and valid. It need scarcely be added that the law, to all intents and purposes, is but a dead letter up to now, there being very few persons willing to avail themselves of the privilege created by the statute. The same cue of the *Shastras* has again been recently taken up by a writer in the *Calcutta Review*, who has been at considerable pains to shew that the custom was not unknown in ancient India, and quotes the Institutes of Manu, chapter and verse, to prove that it was not foreign to orthodox Hinduism. But whether he has succeeded in advancing the cause by his advocacy one jot more than his illustrious predecessor in the fray, is problematical after all. It has also been discussed from the position of a religious and social iconoclast, by the late Keshub Chandra Sen, who would be satisfied with nothing short of the total obliteration of the old landmarks of Hindu social organisation and unrestricted intermarriage of widows. He, too, got a law passed by Government, conferring a legal status on such hybrid unions. But that it has entirely failed to affect the Hindus in general, with the exception of a "microscopic minority" of some enthusiastic outcastes, is patent to all. It has also been considered from the point of view of a social reformer by the now well-known Parsi, Mr. Malabari. This un-Hindu gentleman is also for setting the legislative engine in motion, to cure us Hindus of our social evils by legal compulsion, and make us humane to our widows at high pressure. He has but just opened his campaign, and we shall not detain ourselves to forecast the effect of his broadsides on our devoted society. Besides these, every Anglo-Indian, every cold-weather tourist from England, who has the slightest pretension to a superficial knowledge of the complex social machinery of the Hindus,

has had his say against the Hindu institution of perpetual widowhood. Nor are the missionaries slow to join in the chorus of denunciation. From the combination of these causes, the topic has been always to the fore in some form or other: so much so that it has almost begun to stink in the public nostrils. Still I venture to hope that I shall be able to lay before the public some fresh food for reflection, though treating of a stale subject.

It has become the fashion to talk of widow re-marriage as the one sovereign panacea for all the ills that the Hindu community is heir to; and because the cautious conservative Hindu does not move so fast in the matter as he is wished by his fussy reformers, he is inveighed against in no measured terms and is argued thence to be unfit for local Self-Government, for all civil and political rights, for all civilized society, and what not. When such is the general temper, it is surely not smooth-sailing to assume the rôle of opposition against the common rage of the hour. But it is my firm conviction that the advocacy has all along been one-sided; and for the better understanding of the matter, the other side of the shield should be examined. And at the risk of all obloquy, my aim is to supply that desideratum. But because I champion the cause of perpetual widowhood, I am not to be confounded with an upholder of Hindu orthodoxy or bigotry, for that I never am.

The census returns announce there are two millions and odd widows of all ages in India; and the philanthropist is at once busy devising ready cures for the disorder, and finishes by proclaiming himself for the European institution of widow re-marriage, to effacee this shame of the Hindus, as he terms it. Not that we are so flint-hearted or mentally so obtuse that the life-long penance of our widows does not make any impression on us, or that we cannot see it; what man is there that would not melt into tears at the sight of these noble monuments of patience and sorrow—the Hindu widows? But believing as we do that beyond a certain point the malady is irremediable and so should be endured, we are naturally chary about accepting the make-shifts of the sentimentalists and yield to the inevitable as resignedly as we can. It is too short-sighted a policy to try to make one part whole by permanently injuring another vital part. Is not the cure worse than the disease? And no practical social reformer can allow his feelings to domineer so despotically over his reasoning faculties as to assent to such a course.

For the re-enforcement of a practice fallen into disuse, it is futile, I hold, to appeal to the authority of the *Shastras*. It is so much labor thrown away. The religious codes of a

nation are but a collection of those commonly received customs, laws and institutions which are in consonance with the current public opinion of the time of their compilation. A code is after all but a faithful history of a particular period of a society, embodying all its thoughts and aspirations, its spiritual longings and moral advances, its likes and dislikes. No religious code could rise superior to the environment of its birth ; it must bear the impress of the intellectual and moral atmosphere in which it is ushered in. Hence it is that passages, which are so shocking to our modern ears and so outrageous to our sense of decency, and which we would by no means tolerate in any other publication, without invoking the aid of the police to put it down, are seen to defile and disfigure the pages of the sacred writings. And their presence there would but appear as profane and unintelligible interpolations, unless we study them in the spirit of the age in which they saw the light of the world. But in course of time, as public opinion veers round, a higher plane of elevation is attained by the morals and intellect of a nation, and tastes are refined by civilization, many of the customs and institutions which were found so marvellously to fit in with the primitive, patriarchal or militant phases of society, grow out of fashion under the altered circumstances, and are gradually replaced by new and better substitutes. Take for instance the Institutes of Manu. He distinctly allows polygamy and intermarriage of Brahmans with lower castes. There are eight forms of marriage recognised by him ; all kinds of union of the sexes for cohabitation have been privileged to luxuriate in the holy name of marriage. The practice of raising children by a different person from a married woman or widow is also permitted. But the good sense of the modern Hindu community has sternly set its face against such practices. A Brahman will not go out of his caste to contract a marriage alliance, nor will he venture to preach or practice polygamy in public. Nor, again, are all unions of the sexes regarded as marriage ; nor will the children begotten by other than the legally married husband be accepted as legitimate. Then, again, there are the various dietetic rules prescribed in the *Sanhita*. Many are the articles of food proscribed by it, which are now in common use ; on the other hand, many others are allowed by it, which are out of vogue, for example, the flesh of hare, rabbit, rhinoceros, camel and lizard is declared to be fit for consumption by Brahmans, while all poultry, including even the pigeon, is discarded. But the Hindus of our age have altogether eschewed the former, while of the latter, pigeons (and partly ducks to a certain extent) are not much objected to. Now the question is, desirability or undesirability apart, can any amount of exegesis of

Manu induce a modern Hindu to revert to the ancient practices cited, or reconcile him to the various kinds of abhorrent meat named above, or lead him to retrace his steps from the modifications already wrought in his habits and manners? The answer to the query cannot be mistaken. Such a state of things can never be even dreamed of, unless there is a complete revulsion of feeling—a mighty intellectual and moral revolution restoring to us the tastes and moral notions of the age of the *Sanhita*. Were a Manu or a Parashar to rise amongst us again, and a new code to be drawn up by him now, it would be sure to differ as heaven and earth from the old Dharma-Shastras. The new practices indicated above, and many more that have sprung up in Hindu society since the days of these antediluvian sages, would be dwelt on with all emphasis as deserving of approbation and consecration and their opposites denounced as against religion and morality. Widow re-marriage is one of those institutions about which Hindu feeling has undergone a complete change. It might have been prevalent during the age of Manu or Parashar, and we have not the least intention of joining issue with those who make the assertion—but what of that? It is now long that the

“Old times are changed, old manners gone;”

and no array of antiquated authorities can wipe away the sentiments of centuries accumulated against the practice during the period it has been discredited. Popular usages are more binding than the dictates of the sacred writings.\* Nothing can be more puerile than the attempt to stem the current of public opinion with the texts of the *Shastras* :—*Shastras*, whose divine origin or authority is openly questioned and repudiated by enlightened and progressive Hindus; and, as for the conservative majority, they are either too innocent of them or too wedded to existing institutions and customs to look beyond for the sake of the scriptures.

It now behoves us to inquire why and how the practice of widow re-marriage has come to be obsolete among Hindus, or more correctly, among the better and higher classes of them, as the practice still flourishes among the Sudras of the lower order as exuberantly as among Europeans or Americans. Even the most adverse and bitter critics of the Hindus are

\* There is a Sanskrit couplet which runs thus:—

“Yadyapi siddham loka viruddham  
Nácharaniyam nádaraniyam”

Rendered into English it means—“when a thing is against the opinion of the people, even if it be conformable to the *Shastras*, it is not to be practised nor to be esteemed.” It is a maxim of practical conduct in life with the majority of our countrymen.

unanimous in bearing testimony to their social virtues, their attachment to, and unwonted self-sacrifice for the family, and their affection and fondness for their children. Their intellectual acuteness and subtlety are admitted and well-known. So obduracy of heart, or intellectual or moral obfuscation, at whose door the institution of perpetual widowhood of the Hindus is erroneously laid, cannot account for the initiation of the custom. It is preposterous to suppose that a high-caste Brahman, whose name is synonymous with high culture and refined humanity, cannot, or does not feel for the life-long torments of his widowed sister or daughter, or that he cannot thoroughly realize the severe trials of widowhood, or that he is led by selfish motives—though we do not perceive what selfishness there could be in it—to condemn to a living death his own near and dear relatives, for whose welfare he would not hesitate a moment to make his own life a willing offering. Every Hindu householder knows by bitter experience what a dire catastrophe it is to have a young widow in the heart of the family, and how all its mirth and happiness are blasted for ever by the blight of girl-widowhood. Talk of the callousness of Hindu parents! It is the grossest libel on their character! Who amongst us that is not aware, how many a Hindu parent, out of a gentle regard for his or her widowed daughter, has abjured for good the pleasures of the palate and fine clothing, and adopted the widow's régime of life?\* It is strange that while the Sudras, between whom and the Brahmans the intellectual and moral chasm is so deep and wide, should afford to be so humane and considerate for the welfare of their daughters as to welcome re-marriage, the Brahmans, their superiors, are entirely blind to its advantages. No one voluntarily exposes himself to pain and discomfort, so there must be some nobler motive actuating the Hindu guardian to put up with all the hardships and inconveniences of perpetual widowhood. It is not, however, apparent on the surface: to discover it we must dig down at the root of the institution of marriage.

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\* The rigid discipline of a widow's life, the restraint on her appetites and the curb on her voluptuous indulgences, which perpetual widowhood imposes in order to ensure its success and reality, are often made the peg on which to hang long tirades against it. But it should be observed that every triumph over self presupposes a course of training, bodily and mental,—an amount of self-control and self abnegation; and if they are to be eluded as an infliction and circumscription of our liberty, all duty, individual or social, becomes unattainable, and society lapses into the savage wildness of the days of yore. Indubitably human liberty does not consist in obeying no law but 'in making, as far as possible, our good inclinations prevail over our bad.' So the discipline entailed by the vow of perpetual widowhood cannot be in itself, though there may be differences of opinion as to the degree of it, an argument against the vow.

According as a people are in the savage, barbarous, semi-barbarous, semi-civilized or civilized state, the forms of marriage—if, indeed, we are allowed the expression for those loose temporary unions for sexuality between men and women of the primitive tribes, scarcely distinguishable from the pairing of the males and females of the lower animals—vary from the promiscuous and communal, consisting of polyandry and polygamy, to the highest development of the monogamous. The nature of the matrimonial relations obtaining in a society is, in fact, the measure of its civilization and enlightenment. The different kinds of union referred to above, are to be met with in different parts of the world to the present day, the lowest in the scale, promiscuity, being confined to the Andamanese. Our Mahomedan brethren, notwithstanding their strictly pure monotheism, their wonderful progress in science and literature during the middle ages, their extensive conquests, are to our regret addicted to polygamy till now, and that too in its worst form.\* The late Nawab Wazid Ali Sha, the ex-king of Oudh, though a State prisoner, had a seraglio of about four hundred and sixty Begums. The *Koran*, in assigning no higher place to women than as mere tools for the sensual gratification and enjoyment of men, has done an incalculable amount of mischief to the cause of progress. The highest manifestation of matrimony, which discovers itself in monogamy, is the concomitant only of the highest stage of civilization as seen in European countries. In the beginning monogamy is purely sexual, and in time grows to be selective. In the same nation both forms of it are seen to exist side by side: for instance, amongst the poor, illiterate and unrefined, matrimony is at best sexual, while with the rich, educated and civilized, it is strictly selective; the same is the distinction that characterises rude rural areas from the enlightened metropolitan districts. We know it to be a fact that the people of East Bengal, in contracting matrimonial relations, are not so punctilious about the symmetry of make or comeliness of features, or the mental or moral worth of the girls, as the inhabitants of Calcutta and its neighbourhood.

From the brief sketch given here, it will be observed that matrimony, stripped of the halo of poetry and romance that has gathered round it to our benefit, is at the root solely based

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\* [This is over-stated. I have found in several districts that the general rule among Mahomedans is to have one wife. The man who inflicts a *sotin* (co-wife) on his first wife, is not regarded with favour in respectable Mahomedan society: and unless he is well-to-do, and can afford to keep separate establishments, one or the other wife invariably leaves him. Respectable Mahomedans think that a man is only justified in taking a second wife, if his first wife is barren or has no male children. Unchastity, of course, is a ground for immediate divorce—Ed.]

on sexual instinct ; and it is obvious to all, how exclusive and self-regarding this passion is. The aim at each successive step of human progress has been, as a whole, to leave further and further in the background the original grossness of the male and female union, and bring out more prominently its better and altruistic elements, and then to idealise it by the aid of the best sentiments and metaphors that a national language is capable of, till, freed from all dross, it emerges into a hallowed and hallowing relation, sanctified by the highest sacrament of religion. Whatever helps to maintain matrimony at the altitude of purity and tenderness it has attained, or spur it on to its further evolution, is for the best interests of society, and its reverse, degrading, debasing, and prejudicial to them. This is a truism that requires no words of argument from me to secure public allegiance to it. And herein it is that we are to trace the source of the Hindu system of perpetual widowhood. Hence the patient submission, silent resignation of a Hindu *pater familias*, amidst all lacerations of heart and soreness of affliction and trial, when widowhood occurs in the family, and hence his apparent indifference, as exhibited in his want of exertion for the re-marriage of his widowed charge. Can any body question that it is perpetual widowhood that develops the notion of eternity and indissolubility of marriage and makes it the divine thing that it is ? It is this institution alone that can furnish us with the true ideal of self-denying devotion and sincere self-sacrifice, the real and noble exemplar of chastity. In the widow re-marrying countries there is always the risk of the unseemly exposure of the cloven foot of sexuality, lying hid under the sacrament of marriage, and of bringing into relief the temporal and egoistic nature of the rite. It is from the effect of free marriage of widows and divorced wives, together with the frequent dissolution of the matrimonial bond, that we see the rude barbarous notion of a wife as a material possession exchangeable with other commodities some times break out—though, of course, in the lowest strata of society. From the above considerations it must after all be confessed that it is not with a light heart that Hindus have acquiesced in the perpetual widowhood of their women, but from the highest of social motives, conducive in the largest sense to the spiritual and moral well-being of the community. And the wisdom of what the Hindu mind discovered and practised thousands of years ago, comes to be peculiarly confirmed by the greatest social philosopher of the nineteenth century, M. Comte. He thus delivers himself on the question—"Widowhood can alone give woman's influence its main efficacy. For, during the objective life, the sexual relation impairs to a great degree

the sympathetic influence of the wife, by mixing with it something coarsely personal. But when the subjective existence has purified the higher intimacy, which distinguishes the wife, she definitely becomes our highest moral providence. . . . Thus, without the subjective union, which is a consequence of widowhood, the moral influence of the woman on the man would be extinguished at the very moment when its main results should become visible, perfected as it is and purified by death." In another place he again observes that unless completed by eternal widowhood "monogamy becomes illusory, since the new marriage always creates a subjective polygamy, unless the first wife (or husband) is forgotten, which can be but a small comfort to the second. The mere thought of such a change is enough greatly to impair the existing union as the event of death is always possible. . . . It is only by the assurance of an unchangeable permanence that the ties of intimacy can acquire the consistence and completeness which are indispensable for their moral effect. . . Between two beings so complex and so different as man and woman, the whole life is not too long to know each other fully and to love each other worthily." Sooth to speak, so long as the verdict of this philosophy remains unimpugned, the Hindu will have grave reasons for not accepting the hasty generalisations of the supporters of widow re-marriage.

The opponents of perpetual widowhood often try to arraign it before the bar of the public by the invariable application of the epithet, "enforced." But we are at a loss to make out the drift of the impeachment implied. If by "enforced" is meant physical coercion, it is as wide of the mark as anything could be. —For, were Hindu widows given the option of marrying again, I can boldly assert that not a tithe of them would come forward to profit by the opportunity, so strong are their own feelings in the matter. If, however, the epithet is intended to signify enforcement by means of public opinion, it is but too true, and for the matter of that, not only of this, but of every other institution. No practice or institution can, in fact, retain its hold on a society unless backed by public opinion and appropriate sentiment. It is the most legitimate and innocuous weapon that a community can be entrusted with, and if reformers could have the wisdom and patience to confine themselves to its use only, the world would have been spared many bloody fields and much of its present anarchy, brought on by the insensate zeal of enthusiasts.

Infant-widows are really the most pitiable and most heart-rending instances of Hindu widowhood. But infant widowhood is a remediable evil. It may be easily prevented by raising a little the marriageable age of Hindu girls. But

though infant widowhood may be thus nipped in the bud, it may be argued, there would crop up again the problem of young widows to press on our attention for solution. The line must, however, be drawn somewhere ; and so they will have no other alternative, I am afraid, than to suffer their hard lot as well as any other irrevocable decree of fate. From no human scheme, how wisely soever devised, can the chances of death be eliminated, and it must ever be vulnerable in that part. Granted that in the case of widows we can make up their loss, *to a certain extent*, by the substitution of fresh husbands, but what are we to do for the death of son, daughter, mother, sister, brother, father, or other such painful and deplorable bereavements by which human existence is embittered ? After all we can do, separation and sorrow are unavoidable, and nothing is given us but to submit to them with resignation.

But will not the cravings of the flesh prove too much for perpetual widowhood, especially for youthful widows ? To some temperaments they may present a stumbling-block, but not so insuperable as not to be overcome by discipline and due exercise of family affections. With reference to this question I shall, however, satisfy myself only with an excerpt from the French philosopher already quoted : "The materialism of our schools of medicine," says he, "cannot prevail as against a large and decisive experience fully explained by the true theory of human nature. This alleged sexual necessity was overcome commonly, during the whole of the middle ages, by all those who submitted duly to the discipline of Catholicism and chivalry. Even in the midst of modern anarchy, many individual instances still prove that it is possible to remain really pure until marriage. A life of labor, and above all the uninterrupted play of the family affections, are generally sufficient protection against such dangers, which only, in very rare cases, become insurmountable, cases erroneously treated as typical by physicians unversed in moral struggles. . . . . Lastly, you are aware that a deep affection was always the preservation against libertinage." Widows should on the whole be taught to look on the triumph of the social over the personal feelings as the grand object of their life, and that would be a charm against all temptations. And for those disconsolate survivors of the couple, who are unfortunate enough to enjoy objectively their conjugal life only for a brief period, we would conclude by quoting M. Comte's dictum that "one single year of a true marriage is enough to procure for the longest life a source of happiness and amelioration which time never can efface or tarnish."

Moreover, considered economically, the institution of re-marriage does not commend itself to us. Statisticians have

shown that the ratio of males to females is always equal. Now if all, or a fair proportion of the widows are to take husbands again, an equal proportion of girls cannot but remain spinsters ; so that while some will be fortunate enough to tie marriage knots over and over again, others will get no husbands at all. Wherever widow marriage is in vogue, there must be more or less "old maids" to disturb the order and serenity of society. Necessarily the determination of the question whether widow marriage is preferable to perpetual widowhood, hinges mainly on the settlement of the issue, whether it is advisable to have a society with a number of maids, young, adult and old, having no memories to cherish, no experience of the sweets of conjugalitv to fall back upon, no families of their own to rear, no stake whatever of a restraining nature, and a temper soured by disappointments and full of resentment towards the community at large, whose iniquitous arrangement made matrimony impossible for them. Is it not better to have a society with its fair share of widows, having an object of worship and devotion in the departed husband, reminiscences of connubial felicity, the happiness of house-keeping on their own account to cheer them up in moments of dejection, children, in many cases, to console them and engross their time and attention, (and are not these sufficient hostages for good conduct as a citizen ?) and no reasonable grounds of exasperation against the economy of society, which did all it could to set them up in life with a fair start ?\*

Next, let us assume that by some ingenuity we get the better of the natural law of demand and supply, and succeed in procuring husbands for all widows, without, however, thereby compelling any females to remain spinsters. Would this not seriously augment the population, particularly in an over-crowded country like India? Would it not stimulate multiplication at a rate which would, for all time to come, hopelessly disturb the equilibrium between population and food-growing power of the country, and inevitably make famine, starvation and disease, chronic to a degree not within the capacity of any human Government to grapple with successfully? Here are some of the dilemmas which the adoption of widow-marriage as a cure involves. The misfortune is, we cannot be generous to the widows without being ungenerous to the unmarried girls, or to both, unless at the sacrifice of the general interests of the community; and the patrons of re-marriage are left to choose between them.

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\* After all the inference is irresistible that the woman question is yet far from satisfactory final solution even in the West ; and we should pause and ponder before making such a precipitate rush for the supposed boon of widow re-marriage.

But it is the greatest blot of the Hindu polity that, while it enjoins perpetual widowhood on widows, it places no prohibition on widowers, who are practically free to re-enter wedlock as often as they like. This should not, however, be made the plea for detracting from the merits of a better system, or for dragging it from its high pedestal to a lower level. The right solution is not to educate *down* the widows, but to educate *up* the widowers. Perpetual widowhood is as much needful for the latter as for the former; and whatever has been urged about it in relation to the females, is all applicable, *mutatis mutandis*, in relation to the males.

It should be our aim to create public opinion on the question so as to prevent widowers from marrying again. The males are the stronger party, and the selfish instincts are naturally in the ascendant with mankind: still, firm believers as we are in the omnipotence of public opinion, we are entirely sanguine about our ultimate success, if it once could sufficiently be roused. Has not the fear of social castigation been sufficient, in highly civilized countries of the West, to stay the hands of the sickly, consumptive, or idlers from matrimony? The whole affair may seem chimerical at first sight, but it should ever be remembered that it is the unexpected that often comes to pass. The Rajputs have already recognized the true path and taken steps in advance of all nations. It is with unfeigned pleasure, not unmixed with some surprise, that we peruse the resolution of the "Rajput Reform Association," which binds down the widowers above the age of fifty not to befool themselves by repairing to the altar of Hymen any more. What an encouraging sign of the times!

It is better, I think, to conclude my paper with a summary of the net results of the discussion. They may be briefly stated as follows:—

*Firstly*.—Widow re-marriage, as it takes away from the ideality and spirituality of the sacrament of matrimony, and gives prominence to its coarser elements, and makes the notion of chastity conventional, is not expedient.

*Secondly*.—Socially or economically, it has no superiority over perpetual widowhood.

*Thirdly*.—With infant marriage extinguished, perpetual widowhood, both for *men* as well as *women*, is the true goal to be aspired to.

TRIPURA CHARAN BANERJEA.

## ART. IV.—THE WORSHIP OF THE PHALLIC EMBLEM AT TARAKESHWAR.

SIR W. JONES in his third anniversary discourse delivered before the Asiatic Society, of which he was President in 1786, states :—“I cannot but agree that one great spring and fountain of all idolatry in the four quarters of the globe was veneration paid by men to the vast body of fire which looks from his sole dominion like the god of the world.”

The worship of Târakeshwâr to this day represents a vestige of the veneration alluded to by the President. Although the connection may not at first sight be very obvious, it is still identifiable, for in the Sivalinga, which is associated with the worship of Tarak Nath, we recognize the symbol of the sun god, the generator of life, its destroyer and reproducer, “under the sign of the organs of reproduction.”\*

Siva, as the prince of Jogis or ascetics, is represented as taking ganjah, not as an intoxicant, but as an aid to concentration of thought. As to his skulls and sword, these are not intended to convey any idea of delight in wanton destruction, but simply to indicate destruction as a necessary phase of being. His killing Kámadeo may be put down to his austere and virtuous character, and may be regarded as a protest against immorality, as well as a just retribution for the frivolous god interfering with his worship, and his grief over his wife’s death. Siva is usually represented as a model husband. As the sun is to the sunflower, so is the sun-god to his bride Párvati (the earth). What more faithful and poetical representation of constancy is possible than that of the relations between the sun and earth? The allegory is varied in the epithets Kál and Káli applied to the god and goddess, he, the bright faced god of light, she, the azure faced goddess of the night. Here again constancy is a well marked attribute of the divine pair. One legend describes how Párbati, under the name of Sati, died because her father abused her husband, and the distracted husband, carrying his wife’s dead body about with him in his wanderings, is a favorite subject with native artists.

So profoundly does the impression on this point still influence the modern Hindu, that, in addition to a series of very full-flavored curses that the little Bengali child-wife is taught to

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\* The Rev. G. W. Cox’s mythology of the Aryan nations, p. 112.

repeat at her marriage against a possible co-wife, she is taught to pray that she may be as the wife of Siva the constant. The cruelties of the Charak Puja, if incapable of apology, may reasonably be attributed to a vitiated form of worship of comparatively modern date, and peculiar to Bengal. Dr. H. H. Wilson describes the Charak Puja as "a festival which as a public religious observance is unknown anywhere else, and which is not directed nor countenanced by any of the authorities of the Hindus, not even the Tantras."

Not so with other sacrifices to Siva's consort, Kali, which, including human sacrifices, are set forth in detail in the Rudhirâdhyaya or sanguinary chapter of the Kalika Purana, and for which the only justification attempted is, that "through 'sacrifices princes obtain bliss, heaven, and victory over their 'enemies.'

It cannot be forgotten that human sacrifices have a parallel in the Druidic period in our own land, and that the Old Testament advocates the sacrifice of bulls and of goats with great consistency.

Mr. Cox with great ingenuity traces the phallos in the tree of life, the rod of wealth of Hermes, the lituus, the augur, the crooked staff of the shepherd, the sceptre of the king, and the divining rod of modern conjurors. He finds that tree worship is a modified form of the worship of the phallic emblem, and that the snake was worshipped for the same reason.

Similarly the yoni\* is traced in Noah's ark, the argo of the Achaian chieftains, the shell of Aphrodite, the ship borne in procession to the Parthenon, the ship of Isis, the lotos, various cups, including the sangreal and the luck of Eden Hall, and the horn of plenty. Mr. Cox with great candour states that the symbol as the serpent reappears in the narrative of the temptation and fall of Eve, a conclusion that is supported by the fact that the yielding to temptation resulted in our first parents knowing that they were naked.

We know, that the phallic worship of Baal Peor was derived by the Jews from the Egyptians, with whom the emblem was the stauros or cross, and that its worship among the Jews was attended by bloody rites. What more probable than that the stauros with its altar of sacrifice attached, was used as the engine of execution for the victims of Baal? It is certain that crucifixion was eminently a Jewish form of execution, and it is not difficult to realize the connection between this cross and the stauros.

We find that no less than five times the altars of Baal were cast down by Gideon, Elijah, Jehu, Jehoida and Hezekiah,

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\* The linga is an erect cylinder of black or white stone rising out of a circular collar, the Yoni, also made of stone.

respectively, at dates varying from 1256 to 726 B. C. The Jews are often described as a stiff-necked people, and it is quite conceivable that even among the orthodox Jews of the New Testament period, the stauros may have survived other forms of Baal worship as an instrument of immolation of the most degrading type, and that though the Jews were actuated by perfectly orthodox hatred to Christ, they unconsciously enacted a sacrifice on the altar of the sun-god for the healing of the nations. The dying words "They know not what they do" obtain increased significance viewed in this light, as referring not only to the murder of God in the flesh, but to the ignorance of the Jews who, under the impression that they were killing a schismatic, were making a sacrifice for the salvation of mankind.

It is, however, time to return to the exclusively Hindu conception of the sun-god in his embodied form as Siva. Among educated natives of the present day, the significance of the linga is very imperfectly understood.

Hindus are not ignorant of the common-place stories that have attached themselves to the later representations of their god ; they can tell you why Siva's neck is blue, or why Kali has her tongue out when represented as treading on her husband's body ; they display no reticence with regard to these and similar trifling incidents of the god's history ; but it appears tolerably certain that the pure conception of the sun-god has been replaced by a number of fables, some with, and some possibly without, religious significance which are bound up in the conception of Siva of to-day. He is no longer the sun-god for the present generation, but by the usual process of anthropomorphism, he is a divinity in human shape of ascetic habits, living on Mount Koilas, and dividing his time between his wife Parbati, to whom he is much attached, and the practice of severe austerities ; he is, for purposes of worship, regarded by his followers as the great god Mahadeo, a god to be feared and propitiated. The idea of the destroyer cultivated by such emblems as the garland of human heads is more present in the minds of his worshippers than the idea of the reproducer, and yet his benevolent nature is still recognized, for vows are made to him when favors are sought, and thanks are returned to him for favors vouchsafed. That the original idea of sun-worship should have been completely lost sight of is the more surprising, as not only in the linga is it found, but in Siva's bull, in the trident that he bears, in the serpent that he wears, in the circle and cross that surmounts his temple, and in his crescent we see various adaptations of the linga, or the yoni, or both. The bright silvery complexion that is attributed to this god, and his very name Siva, "the bright one," all tell the same tale. In spite, however, of the vagaries of the popular mind

with reference to this deity, in his worship the Hindu has been true to the ancient symbol of the sun-god, and he is worshipped in no other form.

The moral effect of the worship of the phallos varies among different races. To the Egyptians it never conveyed any impure thoughts ; the Lampsicans, on the other hand, gave themselves up to every form of lasciviousness and impurity during the worship of Priapus ; the Jews sinned in their worship of Baal, and seem to have combined, if Milton is to be believed, brutality with lust. In reference to Chemos, the abomination of Moab, who is identical with Moloch, the abomination of the children of Ammon, the great epic poet sings :—

‘ Peor his other name, when he enticed  
 ‘ Israel in Sittim, on their march from Nile  
 ‘ To do him wanton rites, which cost them woe ;  
 ‘ Yet thence his lustful orgies he enlarged  
 ‘ Ev’n to the hill of scandal, by the grove  
 ‘ Of Molock homicide, lust hard by hate.’

I note, however, that in all the scriptural references that I have been able to find on the subject of Baal’s worship, the chief features seem to be, causing their sons to pass through the fire, the use of divination and enchantments, the erection of calves as objects of worship, and the worship of the hosts of heaven.

In the genuine worship of the Siva-linga there is, as was the case with the Egyptians, no impure association whatever ; if I have in the sequel to refer to immorality that may be witnessed at Târakeshwar, I take this opportunity of stating that it has no more connection with the worship of Siva under the form of the linga, than the number of cases of drunk and disorderly on Easter Monday has to do with the Christian festival of the preceding day.

I proceed to deal with the worship of the linga at the shrine of Târakeshwar as witnessed by me on the occasion of the Choit Sankrant festival in the month of April last :—

- In the village of Ramnagar, the name of which has given place to that of the presiding deity of the place, stands the temple of Târakeshwar. It is about 20 miles west of the East Indian Railway, and is accessible by rail by means of a branch line which starts from the Seoraphuli junction.

The actual shrine, Garbha Griha, is a small building on the south bank of a large tank which is known as the Boro Baboo’s Pukur, the Dugh Pukur or the Siva Ganga. There is nothing about the temple to distinguish it from any other Siv Mandir ; it contains the usual Siv-linga in its dark recesses, and is surmounted by the usual Sivaite emblems. To the south of the Garbha Griha, and facing its outer entrance, is an

open hall (Sabha), the roof of which is supported on pillars. This place at ordinary time is used by pilgrims for the performance of *dharna*; here they remain given up to meditation till such time as the deity makes known his wishes to them. The only remarkable objects in this hall are a stone representation of Siva's bull, Nandi on a pedestal, and four hanging bells, one of which is rung by each person before he salutes the bull: on the occasion of the Choit Sankrant the crowd is so great that no one is allowed to sit *dharna* in this hall, which is occupied by persons engaged in reading the Hindu Scriptures, and men and women who have measured their lengths from various places to the temple gate. Exhausted pilgrims may here be seen lying down to rest, their clothes saturated with water and soiled with mud. On the east side of this hall are the tombs of former Mahants or chief priests; on the west sits the Mahant receiving the offerings of the worshippers in money. It is estimated that at the Choit Sankrant, and at the Sivaratri festivals, no less than Rs. 40,000 is collected from pilgrims. The Choit Sankrant alone is believed to attract 45,000 pilgrims from Hooghly and the adjoining districts. I had the advantage of receiving the following information from the present Mohunt, Madhab Chunder Giri:—About 785 of the Bengali era, or above 510 years ago, Raja Bhavamálá lived at the village of Ramnagar; a pilgrim, Nyágiri Doomrápon, arrived at Ramnagar, and rested there on his journey to Púrí. In a dream this pilgrim received orders from Tárak Náth not to pursue his journey as god was in Ramnagar in the form of a linga; on this news being duly communicated to Raja Bhavamálá, the Rájá searched diligently till he found the linga on the site of the present temple, which he caused to be erected over the holy symbol. The first shrine was enlarged about 150 years ago by the piety of Gobardhan Rakhit.

The pilgrims to Tárakeshwár are locally termed Sanyásis, a word which possesses a narrower signification in other relations. The complete programme for a Sanyási to perform is as follows. He is not allowed to make use of the Tárakeshwár Railway, but takes to the road at Baidyabáti. From thence he performs *dandikáti*, or measures his length on the ground for a distance of 20 miles, till he reaches the Bel Pukur, which is about quarter of a mile from the temple. Progression by this slow system occupies him ten days, two miles a day being considered average good going. All pilgrims do not perform it; it is perfectly optional for a devotee to do the whole, or a small portion, or none at all,—the greater the disease, the longer the penance. Having reached the Bel Pukur the pilgrim has a bath, and with his dripping clothes proceeds as before with his religious exercises, till he reaches the

temple door. After adoration, he or she, for both sexes measure their lengths, proceeds to bathe in the second tank. Others bring Ganges water in earthen vessels. After offering their oblations, which are essential to all forms of worship here, they pass on, pour the Ganges water over the linga, and refill their vessels with the water thus rendered additionally holy.

The votaries of Târakeswar are distinguished by clothes dyed yellow, the correct dye to use being gerimâti or yellow sulphuret of arsenic ; in practice I was informed that by women a weak solution of the familiar magenta is used. The object of the dye is to conceal dirt, as the clothes should not be washed for the period of the vow ; this period extends in some cases to 30 days, but may be shorter.

Another sign of the votary is the Sútri, which is a hank of soft cotton threads worn round the neck and tied in front. It is about the size and consistency of a small cotton *izárband*. Many, too, wear round the neck a garland of *akoond* flowers. All dwellers in the mofussil must be familiar with these beautifully shaded lilac and waxlike flowers growing on a rather stunted bush with large downy leaves ; it is common on railway and other embankments, among ruins, and on rubbish heaps. The flower is worn at the Choit Sankrant, because it was a favorite of Siva ; other floral garlands are also worn for ornaments, but the *akoond* only possesses religious significance.

The votaries wear their hair long as part of the vow, and smear their bodies and faces with a paste made of white sandal wood. The vow, which is purely voluntary, and which is said to be faithfully observed, imposes chastity, abstinence from flesh and some kinds of vegetables, only one cooked meal a day being allowed, the shaving of the head on the expiration of the term, and, in some cases, the exceedingly trying mode of progression alluded to above.

The vow terminates on the last day of the month of Choit, that is to say, at the close of the Bengali year, and on the following day the male votaries have their heads clean shaved and are released from the vow. The ordinary objects of the vow are, to obtain forgiveness of sin and to secure relief in cases of sickness or sterility, though chiefly in cases of sickness, as the god is considered to possess great healing powers. Nothing can exceed the extreme orderliness and decorum with which the festival is carried out ; there is but little of the fair about it ; with the exception of a Mahomedan buffoon or two and a single peep-show, there were none of those secular diversions which help out the Harihar Chattar at Sonepore.

The throng, consisting almost entirely of the agricultural classes, was in a distinctly devotional frame, and those who

saw males and females grovelling in the water and mud, in the course of their repeated prostrations, or heard the fervor of the shouts of "*Tárak Nath pás Sewā Lágé*," \* which was the only loud sound which disturbed the religious quiet of the place, might doubt the allegation that Hinduism is moribund. For a Hindu to perform any function without the inevitable big drum is in itself strong testimony to the solemnity of the occasion.

There is another mela held at Tárakeshwár in the month of February on the occasion of the Sivarátri. This festival is held on the dark half of the month of Fálgoon, and it was on that day, according to the Ishana Sanhita, that Siva manifested himself as a marvellous and interminable linga to confound the pretensions of both Brahmá and Vishnu who were disputing which was the greater divinity. To decide the quarrel, they agreed that he should be acknowledged the greater who should first ascertain the limits of the extraordinary object which appeared of a sudden before them. Setting forth in opposite directions, Vishnu undertook to reach the base, Brahma the summit ; but after some thousand years of the gods spent in the attempt, the end seemed to be as remote as ever ; and both returned discomfited and humiliated and confessed the vast superiority of Siva. The legend seems to typify the exaltation of Siva worship over that of Vishnu and Brahma, an event which, no doubt, at one time took place.

It may be incidentally mentioned that the story of Priápus appears to be traceable to this Indian source, as according to the most received opinion, this monster was the son of Venus and Bacchus, after the god, returning victorious from his Indian expedition, was met by the goddess of beauty.

For the Sivarátri festival the same high character for propriety cannot be claimed as for the festival of the Choit Sankrant. The former festival, I was informed, was frequented by respectable natives, whereas the April ceremony was not. The force of the word "respectable" lies in its application, and it must be understood that the adjective applies to the position of the frequenters rather than to their practice of respectability. I have good warrant for saying that the Sivaratri festival presents scenes of drunken and obscene revelry, enacted by Bengali sparks out on the spree and ladies of easy virtue from Calcutta.

The last Sivarátri festival was remarkable for a small incident which illustrates the infinite adaptability of the Bengali nation to the march of events. A Calcutta lady, having chartered a first class carriage, had it put on a siding and used it as her headquarters during the festival. I would not for a moment wish

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\* My services to the feet of Tárak Nath.

it to be understood that these holiday makers are genuine worshippers of Tárak Nath, though the circumstance that the use of the intoxicating Siddhi is allowed and even enjoined at this festival may be quoted in explanation of some degree of irregularity. The Sivaratri\* is nevertheless considered by the worshippers of Siva as the most sacred of all their religious festivals, and feasting vigils, and linga worship are enjoined, accompanied by a quaint ceremony in which the worshipper performs the *mátrika nyásá* or alphabet pledge, in which the devotee touches his thumb, fingers and other parts of his body with a few stalks of *Durba* grass (*Panicum dactylon*), reciting at each touch a letter of the alphabet followed by short mystical prayers consisting chiefly of unmeaning syllables, very much in the style of "A was an archer that shot at a frog" applied to devotional purposes.

In connection with the temple of Tárakeshwár there is a curious legend which is believed by the masses, though discredited, for obvious reasons, by the hierophant of the place, which robs the first of the Mohunts of the credit of having been instrumental in discovering Tárak Nath and inducing Raja Bhava Málá to erect the shrine. The credit of this virtuous act is popularly ascribed to Mukund Ghosh, a humble milkman, who noticed that one of his cows named Bhárti, though in full milk at the time, returned from pasture quite dry; the movements of Bhárti were watched, and she was observed to go into the jungle and pour out her milk on a stone, which turned out to be the god Siva in the form of a linga; this easy system of milking might be commended to the caste-fellows of Mukund Ghosh as an excellent substitute for the *phooka*. On the above facts coming to the notice of the good Raja of Rámánagar, he tried to remove the stone, but failing in this, he, under the instructions of the deity, conveyed to him in a dream, erected a shrine over the emblem where Tárakeshwár's temple now stands.

A black stone, enclosed by masonry and lying flat on the ground, is pointed out as the grave of Mukund the milkman, and the pious make offerings to his *manes*, by placing their pice on the stone which is from time to time sprinkled with milk by the Brahmins in attendance. The stone is said by those who do not revere Mukund Ghose to be the grave of Bhoirob, a gate-keeper of the temple.

The present Mohunt is said to be the thirteenth in descent from Nyágiri Doomrápon. He is a hale and strong man of about 50, and may well preside for several years more, which

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\* Dr. Wilson's Essays on the Religion of the Hindus, Vol. II, pp. 211 219.

would give the thirteen priests an average period of incumbency of about forty years, accepting the date of the foundation given, *viz.*, 785 of the Bengal era, as correct.

Forty years tenure of an hereditary post is scarcely a probable average, but the date may not after all be so far from the truth, when it is remembered that the succession is spiritual and not hereditary. The Mohunts are professed celibates, and each appoints his own successor from among his disciples.

In the above pages I have endeavored to place in juxtaposition the worship of Siva the sun-god as it now exists, with the original conception as it appeared to the Rishis and sages of the Vedic period ; the latter has necessarily been but cursorily dealt with, as the fields of Hindu mythology are wide.

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## ART. V.—CAMEOS OF INDIAN DISTRICTS.

### III.—*The Sundarbans.*

THE Sundarbans is the name commonly given to all the southern portion of the delta of the Ganges, but in its stricter sense it means so much of that portion of the delta as was excluded from the Permanent Settlement. The Sundarbans stretch from the Hooghly on the west to the Meghna, the estuary of the Ganges and Brahmaputra, on the east ; and comprise the southern portions of the present districts of the 24-Parganas, Khulna and Bakarganj. The old districts differed very considerably from the present division of the country. The district of Bakarganj was carved out of the old Dacca district ; and Dacca Jellalpur disappeared long ago. Many minor alterations have occurred, and lastly Khulna was carved out of Jessore and the 24-Parganas a few years ago.

Various derivations have been suggested for the word Sundarban, but only two appear probable. One is *sundari*, the sundri tree, and *ban*, forest, the whole word meaning "the sundri forests" ; and the other *samudra* (through its corrupted and vulgar form *samundar*), the sea, and *ban*, forest, the whole meaning "the forests near the sea." There are two arguments in favour of the former derivation, first, that the sundri tree is the commonest tree there, and secondly, that the word is sometimes locally pronounced *Sundariban*. There is one argument in favour of the second derivation, that the same name is given to similar forests in the south of the Chittagong district, where, I have been told, sundri trees do not grow, or are rare. I believe, too, though I cannot recall any passage, that the word *samudra-vana* occurs in Sanskrit authors as meaning large forest tracts near the sea. The second derivation seems the more probable, though it is possible the former has also exerted some influence in the present form of the word.

The Sundarbans are entirely an alluvial formation. They are pierced by large estuaries throughout, especially in the west portion where there are no rivers, for the Ganges and its branches have long ago left that part of the country and their waters pour out further east. Most of the branches now intersect Bakarganj, but a few are found in Khulna. The estuaries and rivers run generally north and south. The three largest estuaries are called the Matla, Roymangal and Sipsa rivers, the first running up to Port Canning and being connected with Calcutta by Tolly's Nullah. There is little or

no current down these estuaries ; they are tidal water-courses, and the water in the west is as salt as the sea. In the middle the water is rendered less salt by the fresh water that comes down the few rivers there, the chief of which are the Kalindi ("the black river") and Pasar ; but it seems that these rivers are gradually silting up. The Bhairab, which passes Jessor, has silted up long ago ; yet its name "the terrible" would indicate that it was once a furious stream. Among the many rivers in Bakarganj, the chief are the Baleswar (the "lord of might") on which Morrellganj stands, and the Bishkhali (the "poison-stream") ; and the water there is comparatively sweet.

The scenery in the Sundarbans possesses no beauty. The view even from a short distance is a wide stretch of low forest with an outline almost even, and rarely broken by a tree rising above the dull expanse. In the forests, so far as I have seen them, there are few trees above thirty or thirty-five feet high, and few attain any considerable girth. This seems to be the result of the closeness with which they grow, and the poverty of the soil which is impregnated with salt. But when a tree can get room enough to grow freely, it will attain a much greater size. I have not been much into the Reserved Portion of the forest, and I believe the trees there are larger than in the open portion. The finest and largest trees I have seen have been almost invariably in places where the land had once been cleared ; so that they had a good start before the jungle sprang up around them. There is little undergrowth in the forests, though here and there one may find cane-brakes and thickets of prickly scrub ; and there is more of matted undergrowth and tropical luxuriance to be found in Saugor Island than elsewhere. Few of the forest trees display a handsome bloom, as far as I have noticed at all times of the year except during the rains ; the prettiest is a species of *Hibiscus* which grows freely along the banks of the streams, and bears large yellow flowers which turn to crimson as they droop. The only views that have some charm are to be found when drifting silently along with the tide on a bright day in February and March in the smaller streams in the Bakarganj forest. The low golpátá palm with its immense leaves, the thickets of the *Hibiscus* with its yellow and crimson blossoms, and clumps of the dark-green prickly kewá grow along the banks and overhang the stream, while above them the forest closes in with breaks of sunshine streaming through the foliage. A brilliant king-fisher may be met perched on a bough over the water ; deer and wild pig may be seen quietly enjoying themselves in the jungle ; and, to add a spice of danger to the peaceful scene, one may come across a tiger at any moment.

Between these large estuaries and rivers are innumerable streams and water-courses, called *kháls*, forming a perfect network of channels, and ending ultimately in little channels that serve to draw off the water from each block of land. For each block is formed like a saucer, with high ground along the bank of the khals surrounding it, and with one or more depressions in the middle according to the size of the block. The water collects in the depressions, and is drained off by the little khal into the larger khals, and ultimately into the rivers; conversely when the water swells in the rivers, it floods the country through the same courses. Many of the khals connect two large ones, and consequently the tide flows into them through both ends; such khals are called *do-āniya khals* in the 24-Parganas and Khulna, and *bháránis* in Bakarganj. They are very useful as affording communication between the larger khals, but have one serious defect, that they are liable to silt up at the point where the two tides meet, for the water is always still there.

The rivers and khals abound with fish of all kinds and support a large fishing population. Fish caught near Calcutta or large towns is carried there, but the greater quantity is, I believe, consumed locally. Fish are sometimes conveyed alive long distances by enclosing them in a larger wicker-cage, which is towed behind the boat; but this is not common. There was once a fishery and fish-drying business near the mouth of the Meghna, but it was given up many years ago. The subject of fisheries has lately attracted considerable attention. It would be out of place for me to enter upon the question here, but there can be no doubt that the old records contain a mass of information, which might have been usefully considered in recent discussions. In the year 1860 the Sundarban rivers and khals were divided into blocks and farmed out by public auction; and Government derived a considerable revenue from the farms till the question of the public right of fishery was raised. Then, after some discussion, the Government gave up the fisheries in 1867.

The water throughout the Sundarbans is necessarily very dirty, being full of the mud and impurities brought down from up-country. In the middle and eastern portions, where the rivers ensure a constant out-flow to the sea, the waters are comparatively wholesome; but in the west, where there is no strong current and the tide alone flows in and out, objectionable matter is washed up and down for some time before it finds its way into the sea.

Amid such unfavourable conditions the climate is, of course, very unhealthy. The ground is never dry except for the two or three months of the hot season, and malaria is always rife.

On the large rivers and on their high banks, where the air can circulate freely, there is comparative immunity ; but the bulk of the people have their houses near the banks of the khals that penetrate everywhere into the land. There is generally a belt of jungle along the banks of such khals, for no cultivation can be attempted outside the embankments where the salt water can reach. These khals therefore are closely shut in by jungle, and the condition of the water in them increases the insalubrity. If the khal is open, the tide flows in and out, and leaves, except at high tide, a bank of mud, which is as much as ten or twelve feet high in places near the sea. If the mouth of the khal has been dammed, the water is necessarily stagnant and unwholesome. The people cannot escape these unhealthy conditions, for roads are unknown in the Sundarbans, and the waterways are the only means of communication with outside places ; while the embankments are the chief means of communication within the blocks of land. I suppose, however, the people have become inured to these conditions, for there is not, I believe, more sickness among them than in Central and Eastern Bengal. Wholesome fresh-water can scarcely be had anywhere, and even when ordinary fresh-water is not obtainable, the people will use water that is slightly brackish without apparently any deleterious consequences. The wild animals must, of course, drink water more or less salt, for it is very seldom they can get access to a tank of fresh water.

Along the Hooghly the land is high, but east of it, as far as the river Kalindi, that is in the 24-Parganas, the land is lower and is liable to be submerged, and immense embankments are indispensable to its reclamation. From the Kalindi to the Baleswar, that is in Khulna, the land is moderately high, and the embankments are only a few feet high. East of the Baleswar, that is in Bakarganj, the land is so high that embankments are unnecessary. The results of these conditions and of the quality of the water, which I have already mentioned, is very striking. In Bakarganj everything looks prosperous, and every rayat, who is at all well-off, has a good homestead with plenty of fruit trees and some cold weather crops, in addition to rice which is practically the only crop that can be grown in the Sundarbans. In the 24-Parganas cocoanuts will not grow, and fruit trees do not thrive, so that the country wears a less cheerful aspect. Khulna, with its intermediate conditions, presents a corresponding appearance ; yet even there large tracts are so swampy, that the people who cultivate them are obliged to reside elsewhere, and the appearance of the country is then one vast plain covered with rice and reed and rush, and broken here and there by clumps or

lines of low trees which fringe the streams, for only along their banks is the ground at all raised or firm, and inside one may easily sink knee-deep in the muddy soil even in the dry months of the year. One of these swampy tracts seems to have been sinking during the last forty years; it was once fairly cultivated ground and people lived on it, but now it is almost waste.

Whether the Sundarbans were formerly cultivated or not is a question sometimes asked, and difficult to answer. Large tanks, masonry buildings and structures, and high embankments are met with in various places throughout the Sundarbans, but chiefly in the 24-Parganas and Khulna portions, and are cited as indications of a former prosperity. I do not, however, think there was ever any extensive cultivation in the heart of the Sundarbans, though no doubt cultivation once extended throughout the northern portion of the Sundarbans, and considerably further south than when we acquired the country. For the present subdvisional town of Bagherhat is not mentioned in Major Rennell's atlas of 1779; and a few miles to the south is an old mosque sacred to a Mohammedan saint, with large tanks near. The roof of the mosque consists of about sixty small domes, supported by slender stone pillars. No stone is procurable any where in the neighbourhood, and the stone is said (with every probability of truth) to have been brought all the way from Chittagong. This subject was discussed some years ago by Mr. H. Blochmann, the well-known authority in archaeological matters, and he came to the conclusion that there had been no marked change since the fifteenth century, but it seems probable that constant fluctuation occurred during those lawless times. It is well-known, too, that even during the present century considerable tracts have fallen back into jungle. During the last century the Sundarbans were infested with dacoits and pirates who had their retreats in the forest and sallied out to prey on the country and waters around. During the first half of this century, the Government had its salt manufacture established in various places in the Sundarbans. These two facts go some way to explain the existence of many masonry remains without resorting to the theory of a former widespread civilization. Still it is a common popular belief, that the Sundarbans were once extensively cultivated, and I have found its former prosperity during the Mughal Empire referred to as an undoubted fact in a letter written in 1783. If this be true, it can be explained in only one way, that the country must have been considerably higher than it is now, about as high as the land at the extreme east near the Meghna, and that the Ganges sent more fresh water through Central Bengal than it

does now, for it is scarcely probable that with the present level and present insalubrious conditions, former inhabitants could have succeeded where all modern efforts have obtained but a partial success.

There are reasons for believing that there has been some subsidence of the country in comparatively recent times, for in excavations near Khulna the remains of an old forest of sundri trees were found eighteen feet below the present surface of the ground. The lower portions of their trunks and their roots were in their natural position, and alongside them lay the upper portions of their trunks broken off. Many of the trees were quite decomposed, but in others the woody fibre was nearly perfect. Again, near Sealdah sundri tree stumps were found similarly embedded thirty feet below the present surface. Sundri trees do not grow, it is said, except between high-water and low-water levels; so that the trees could not have grown naturally as they were found. This subject was discussed by the Revenue Survey Officers and by the Meteorological Reporter to the Government, and the conclusion arrived at was that, while partial depressions may have occurred through the weight of the earth and forest, yet the main depressions were caused more or less suddenly during some great earthquakes. Accepting this explanation, it seems very probable that the lands throughout the Sundarbans were once as high as those to the east; higher than that it is scarcely possible for them to have been, considering that they are entirely alluvial.

When the East India Company acquired the civil administration of Bengal in 1765, Diamond Harbour was forest, and the country even in the vicinity of Calcutta was in a wild and uncultivated state, especially to the east, where the forest approached to within about seven miles from the town. All the forest was admittedly the property of the State.

The first effort to reclaim the forest was made in 1770 by Mr. Claude Russell, the Collector-General, in the present district of the 24-Parganas. He granted leases which allowed the lessee an initial period free of rent until he should have made some progress in the cultivation, and fixed an ultimate rate of about Rs.  $1\frac{1}{2}$  per acre on all the land that might be found reclaimed when surveys should be made from time to time. These (disregarding details which are varied to suit varying circumstances) are the usual terms on which forest lands have been leased out. Those lands were called *patit-abadi* taluks, that is, taluks for the reclamation of waste land. Very considerable progress was made by those lessees, and the neighbouring zamindars also busied themselves in promoting cultivation, so that during the forty years following the

country was cleared almost down to Saugor Island on the south, and nearly as far as Port Canning on the east.

The next effort was made by Mr. Tilman Henckell, Judge and Magistrate of Jessor, in 1783. His scheme was to lease out small plots to raiyats so as to establish a body of independent peasant proprietors holding directly under Government. The terms were very similar to those of Mr. Claude Russell's leases. It was approved by Warren Hastings, and Mr. Henckell after roughly defining the boundaries of the Sundarban forest, granted about one hundred and fifty leases during 1785. He entertained very sanguine expectations of success, and did his utmost to advance the scheme, but it was opposed by all the neighbouring zamindars, who claimed the lands cleared by the grantees and indeed all the forest, but declined to afford him any information about their estates that might enable him to decide the disputes. During 1786 he demarcated with bamboos what he considered to be the northern boundary of the forest, and strengthened the position of the lessees, but notwithstanding all his efforts, the struggle was too severe for the lessees, and in 1792 they had all disappeared except sixteen; and in their cases the character of the scheme had been modified—the lessees developed into talukdars, and their lands were called "Henckell's taluks."

It was the character of these early grants, and the exclusion both of these grants and of the forest from the Permanent Settlement that has rendered the history of the Sundarbans peculiar, and different from what occurred in other districts except such frontier districts as Chittagong. A brief account of the administration of the Sundarbans may prove interesting, for it is little known, having been buried in the oblivion of many volumes of old correspondence, and Sundarban schemes once largely affected the enterprise of Calcutta.

About the year 1810 various schemes appear to have been broached for the improvement of the port of Calcutta. One was to reclaim Saugor Island; another was to construct wet docks at Diamond Harbour. These schemes drew attention to the Sundarbans, and the Government determined to reassert its rights which had lain dormant till then. During those years various surveys had been carried out in the Sundarbans which have been of inestimable value ever since.

The Sundarbans (exclusive of the sea face) from the Hooghly as far as the river Pasar, were surveyed by Lieutenant W. E. Morrieson, during the years 1811-1814, and his results were corrected by his brother Captain Hugh Morrieson in 1818. This was a great work, and must have been most arduous. It introduced certainty where previously all had been chaos, and

it has been the basis of all subsequent maps of the Sundarbans. A Captain Robertson surveyed the main water-routes from the Hooghly as far as the district of Noakhali during 1810; and a portion of the sea coast, east of the Hooghly, was surveyed by Lieutenant Blane in 1813-14. Lieutenant Morrieson in the course of his survey found that the north east branch of the Roymangal estuary approached to within a very short distance of the Kalindi, and he made a cut joining the two rivers. The stream of the latter very soon enlarged the cut, and a large quantity of its fresh water was diverted and passed into the Roymangal. At that time cultivation extended much further south on the east bank of the Kalindi than on the west, but the diversion of so much fresh water deprived that country of one of its chief advantages, and a considerable tract reverted into jungle—a signal instance of far-reaching disastrous consequences arising out of a seemingly trifling act. "Morrieson's cut" has, however, by opening up a new route, conferred a perhaps more than equivalent benefit on the Sundarban traffic. In this connexion I may also mention a cut called "Leonard's cut," which was made about the year 1862 to connect the north-western branch of the Sipsa with the Kabadak, and which has been a great boon to traffic.

An attempt was made during the years 1814-16 to re-measure the grants already mentioned and revise their rentals, but it met with only partial success. The advantages, however, that the State might gain from the opening up of the Sundarbans were clearly perceived, and a law was passed in 1816, sanctioning the appointment of an officer to deal with the Sundarbans, to be styled the "Commissioner in the Sundarbans," with all the powers and duties of a Collector.

Inquiries and measurements were first begun by a Mr. Scott in the country south and east of Calcutta, and it was found that encroachment and reclamation had been continuously progressing, partly by the lessees, partly by the zamindars, and partly by unauthorized persons. All this increase of area brought under cultivation was held without payment of any revenue to the State. The proposal to levy revenue from it naturally aroused the opposition of all the persons interested, and especially of the zamindars, who claimed the whole of the forest, and among whom were several very powerful individuals; and they resisted the operations with every kind of open and secret opposition, fraud and chicanery; indeed, Mr. Scott was allowed a small escort of twelve sepoys for his protection. Besides these difficulties from without, the Government, though it had expressly declared in a law enacted in 1817 that the Sundarbans were the property of the State,

yet began to entertain misgivings as to whether it was not debarred by the Permanent Settlement from dealing with these lands. These adverse circumstances, and the intricacy of the questions that arose, practically put an end to the operations for the next four years.

In 1821 the Sundarban office was reconstituted under Mr. Dale, and was re-inforced by a survey-party under Ensign Prinsep, with the wider object of demarcating the State lands from private estates. But directly the inquiries began in the district of the 24-Parganas, it was found that, if the zamindars were to be believed, there were no State lands at all, for they claimed all the forest that abutted on their estates down to the sea coast, and yet declined to point out their lands. The only course, therefore, was to survey all the lands that had been brought into cultivation during the previous thirty years, and that was done. Mr. Prinsep surveyed the line of dense forest from the river Jabuna to the Hooghly in 1822 and 1823; and with the aid of the Morriesons' map, he divided all the forest lands between those rivers into blocks and numbered them: this was the beginning of the "Sundarban lots."

All the circumstances of the lands being made known by these surveys, attention was next directed to the claim of the State to demand revenue both from the recently reclaimed lands and also from the forest; the land-owners on the contrary claimed to hold all these lands and the forest as part and parcel of their estates, at the revenue fixed at the Permanent Settlement, and free from increased revenue. The establishment of the right of the State to demand revenue from lands that pay no revenue is called *resumption*. If the right is established, the next business is to fix what revenue should be paid, and this is called *settlement*. Resumption was not an easy matter, on account of the intricacy of the claims, the paucity of trustworthy documents, and the fabrication of false papers; but the exertions of Messrs Dale, R. D. Mangles, John Lowis and other officers overcame the difficulties, and recovered to the State all the lands that had been surreptitiously encroached on, and all the forest in the 24-Parganas, by the year 1828.

During the years 1827 and 1828 the whole subject of the rights of the State over the recent cultivation and the forest underwent a thorough discussion, and was conclusively and finally determined in favour of the State. The Government had believed that no claims would be asserted which were not grounded on some foundation of plausible rights, and that the right of the State to the forest lands would not be contested, but the anticipations had been ruefully disappointed, though it was beyond dispute that the lands had been

reclaimed from the forest after the Permanent Settlement. The system adopted, also, of issuing notices to claimants, had been unfortunate, for it almost amounted to one of advertising for claimants to valuable rights.

The deliberations resulted in the enactment of a Regulation in 1828 which declared,—“The uninhabited tract known by the name of the Sundarbans has ever been, and is hereby declared still to be, the property of the State ; the same not having been alienated or assigned to zamindars, or included in any way in the arrangements of the Perpetual Settlement, it shall therefore be competent to the Governor-General in Council to make, as heretofore, grants, assignments, and leases of any part of the said Sundarbans, and to take such measures for the clearance and cultivation of the tract as he may deem proper and expedient.” It also enacted that the boundary of the Sundarban forest should be determined by the Sundarban Commissioner and laid down by accurate survey.

Mr. William Dampier was appointed Commissioner, and Lieutenant Hodges, Surveyor. The jurisdiction was now extended over the whole of the Sundarbans in Khulna and Bakarganj. They defined and surveyed the line of dense forest from the Jabuna (where one end of Prinsep's line was) up to the eastern limit of the Sundarbans, during the years 1829 and 1830 ; and Mr. Dampier formally affirmed Prinsep's line in the 24 Parganas in 1832-33. “Prinsep's line” and “Hodges' line” are the authoritative limits of the then Sundarban forest. Out of his own surveys and those made by his predecessors, Lieutenant Hodges prepared a map of the whole of the Sundarbans in 1831, which has been the standard map of the Sundarbans ever since. Following Prinsep's method, he divided all the forest as far as the river Pasar into blocks, and revising the numbering, reduced the whole of his and Prinsep's blocks into a series numbered from 1 to 236. The aggregate area of these 236 “Sundarban lots” was computed at 1,702,420 acres or 2,660 square miles. Beyond the river Pasar no detailed survey of the forest had been made, and it was impossible to continue the allotments there.

When the forest line was authoritatively determined, it became necessary to deal with the lands which had been already reclaimed and were held free of land revenue, that is, to resume and settle them. These operations were diligently prosecuted, but being very long and tedious occupied attention for many years afterwards. It would be out of place to pursue this portion of the administration at any length, and a few remarks will present the general results.

The resumptions may be divided into two stages at the year 1836. The proceedings till that year dealt with what may be

called the prominent and indisputable cases of encroachment, and most satisfactory results were accomplished. Very large tracts were recovered to Government, and indeed, the area of the Sundarbans at that time did not differ much from what it is at the present time. After that year the proceedings were more intricate and difficult, for the inquiries were then systematically conducted into the smaller and clandestine cases of encroachment, which had either escaped notice before, or had been left because of their difficulty for more thorough and leisurely investigation. As fast as each estate was resumed, it was brought under settlement, and the increase of revenue may be computed roughly at about  $2\frac{1}{2}$  or 3 lakhs up to about the year 1844.

As early as the year 1819 the Government had contemplated making grants of the forest lands with a view to their being cleared, but nothing definite was decided upon, though a few isolated grants had been made both before and after that year. The most noteworthy of these was a lease granted in 1805 for a tract in the Bakarganj Sundarbans at a fixed rental of Rs. 349. So little, however, was then known about the lands, that the lessee laid claim to about 120 square miles of forest land. His claim was contested by Government, and gave rise to long and varying litigation, which was not finally decided till 1870, when the Privy Council decreed about half to the lessee and the rest to the State. Those lands are some of the finest in the Sundarbans and belonged to the Nawab of Dacca.

Rules for the grant of the forest were promulgated in March 1830, and as the right of the State to the forest had been established, there was no hindrance to the granting out of the lands. Applications poured in, mostly from the Europeans resident in Calcutta, who had formed sanguine expectations of success. With the exception of some lands reserved for the Salt Department, applicants practically got gratis whatever they asked for in the 24-Parganas and Khulna. During the two years 1830 and 1831, 98 lots were granted away, and 12 more during the next five years, with a total area of 551,520 acres. The principal grantees, those who got several lots, were Messrs. Kerr, Sturmer, McDermott, Mackenzie, D'Costa, Betts, Clark, Hamerton, Heatly, Storm, Rogers, Campbell, Fergusson, Brae and Pigou; and among natives Radha Krishna Datt, Guru Prasad Chowdhury and Hafizuddin. These grants were made in perpetuity at a rental of about Re.  $1\frac{1}{2}$  per acre, and nothing was payable during the first 20 years; but it was a condition that one-fourth the area should be rendered fit for cultivation within five years, under pain of the grant being forfeited to Government, this condition being held necessary to ensure that the grantees should carry out the object for which they had received the lands. No

regular grants could be made in the eastern part of the Sundarbans, for no detailed survey had been made of the forest lands there up to that time.

The first thing to be done in reclamation is to embank the lands. This means that a line must be cut through the forest along the banks of the streams surrounding the lot, and the embankment thrown up along the line; and that strong dams must be constructed across the mouths of the smaller streams which run into the block in order to keep the salt water out. When this work is finished, the regular business begins of felling the forest, digging tanks, and constructing huts for the future cultivators. All these operations require months of constant attention and the earlier operations are difficult and dangerous. A strong body of coolies must be procured who must be supported all the while with food and fresh water. Their health and safety must be cared for, and a shikari is generally employed to fire off his gun occasionally to frighten away the tigers that abound in the forest; if there is no shikari, the coolies raise a combined shout at short intervals. Unusual sickness or destruction by tigers may produce a panic and inflict almost irreparable loss. In spite of all precautions, they suffer from both evils.

The grantees appear to have prosecuted their undertaking with enthusiasm. Besides the inherent difficulties of the reclamation, it could have been no easy matter for them, numerous as they were, to collect all the labourers they wanted, or a sufficient number of raiyats to settle on the lands permanently. The labourers they procured were the Sundarban wood-cutters, coolies from Chota Nagpur, and Magh coolies from the eastern frontier. The difficulties were greater in the case of those grantees whose lands lay deeper in the forest; yet even those, who got grants bordering on the cultivated tracts and were in a comparatively advantageous position, suffered severely from the hostility of the zamindars in disputes regarding their boundaries. To add to all these difficulties, great damage was inflicted on most of the grants by a storm and wave on 21st May 1833, which swept up the Hooghly and desolated the country on both sides. Still good progress was made for a time, and only about twelve grants were forfeited during the first ten years.

After the first eager competition, the applications fell off, but they revived in 1839, and about half of the forfeited grants were re-leased out, besides some twelve new lots. By that time a juster estimate had been formed of the capabilities of the Sundarbans. Indeed, a number of the grantees petitioned the Government in 1841 for more liberal terms, and the Government expressed its readiness to show every indulgence to those who had really exerted themselves to reclaim their lands.

Some of the persons who got grants were mere speculators ; they did not attempt to clear their lands, but realized whatever profit they could get from the wood and other natural products, and sold the lots as soon as they could find a purchaser ; so that, having acquired the grants free of cost, they made an advantageous speculation. In few cases did the grantees comply at once with the clearance condition, for forfeiture was waived in about one-third of the lots ; but in rather more than one-third the difficulties and losses experienced proved insuperable to the grantees, who in consequence virtually gave up the undertaking, so that the Government was obliged to cancel their grants as forfeited. In fact, few grantees were able to succeed who had not ample capital at their command. The reclamation required unceasing care and vigilance, for desertion among the raiyats left the lands fallow and unremunerative, till fresh raiyats could be engaged at heavy expense ; and if the embankment chanced to be breached, the salt water poured in and ruined the soil with a deposit of salt. The first allotment had been in a measure a matter of luck, for as each lot was given to the first applicant, the best lots were taken up by the earliest applicants. Until some progress was made in the lots bordering on the cultivated tracts, it was almost hopeless for a grantee, whose land lay deeper in the forest, to succeed in his undertaking, however great his capital might be. Some thirty new grants were made down to the year 1852, and many of these were in the Eastern Khulna and Bakarganj Sundarbans, as some partial surveys were made in that region.

To most persons the mention of the Sundarbans recalls to mind two places, Port Canning and Morrellganj. The latter is the earlier town. Some squatters had made a clearing in the forest there about the year 1840, but no further progress was made till Messrs. R. and T. H. Morrell bought three large blocks of land there in 1849. They began clearing the ground very fast, and their undertaking was greatly facilitated by the advantages the land possessed, in being well raised and having excellent river frontages with plenty of fresh water. At the north-east corner, on the bank of the main river, and where two other rivers join it, they built a town which they called Morrellganj after themselves. They established a mart, which soon became the most important in that part of the country. They also built a good brick house for themselves ; and a police station, a sub-registration office and a dispensary were soon located there. The estate passed out of their hands many years ago. Morrellganj now occupies less prominent attention than formerly, but is still a prosperous town.

The Grant Rules of 1830 had not been as successful as had been hoped. The grantees complained that the terms

were too strict, and their objection had been practically admitted, inasmuch as the stringency of the terms had been relaxed freely in individual cases. On the other hand it was necessary to see that the concessions granted by Government were not abused, that is, that the lands were taken by *bond fide* reclaimers. The rules were accordingly modified and were re-published in September 1853. Grants were to be made for 99 years, and were sold to the highest bidder if there was competition ; the revenue assessed on them was reduced to about 6 annas per acre ; and even this full rate (low as it was) did not become payable till the 51st year, after a long and very gradual enhancement commencing from the 21st year. But reclamation was more carefully provided for, and the grantee was required to have one-eighth of his grant fit for cultivation in five years, one-fourth in ten, one-half in twenty, and practically the whole in 30 years, under pain of forfeiture. The earlier grantees were allowed the option of giving up their old leases and taking fresh leases under the new rules. This boon was highly appreciated, and about seventy of the earlier grantees accepted it and commuted their leases.

These rules gave a fresh stimulus to Sundarban enterprise. The new conditions as to clearing being much easier than the old, there was less occasion for indulgence ; but even these conditions were not complied with, and during the following ten years about seventy grants fell in through forfeiture ; and from these and other lands about ninety fresh grants were made. Still it has been far from the policy or practice of Government to press these conditions harshly, and if a grantee has exerted himself and yet failed through calamities or other causes beyond his control, either forfeiture has been waived, or he has been allowed a further time to satisfy the condition.

There was no difficulty during those years in granting out lands throughout the Sundarbans and even in Bakarganj, for surveyors had been employed continuously from the year 1840, and had made partial surveys of all the accessible lands ; besides which, all such lands in Khulna and Bakarganj were surveyed and mapped out by the Revenue Survey during the years 1857 to 1863.

A few years later, or just after the Mutiny, two proposals were brought before the public for the disposal of waste lands generally ; one was to sell them out-and-out exempt from land revenue, and the second to allow land-owners to redeem their existing land revenue by paying it off once for all by one capitalized sum. These measures were generally advocated with the object of promoting the settlement of Europeans in India ; and after much discussion rules, called the Waste Land Rules, were promulgated in October

1863 to carry out these views. Some thirteen lots were sold under these rules in 1865 and 1866, but many of the purchasers were indifferent, or were unable to complete the purchase money during the ten years allowed for the payment by instalments, and eight of those lots came back to Government in subsequent years. The rules for the redemption of the land revenue, however, met with more success, and were taken advantage of in some twenty lots.

The granting out of lands had been stopped meanwhile ; but the new measures were found fault with on the grounds, that the upset price was excessive, and that only capitalists could take advantage of them. Applicants for land therefore preferred the Grant Rules of 1853, and wished to go back to them, but no definite course was chosen, for Mr. F. Schiller's great scheme of Sundarban reclamation was then before the public. He and eight other gentlemen, European and Native, applied to Government in January 1865 to purchase all the remaining ungranted waste lands, proposing to raise a capital of not less than one million sterling, and to reclaim the lands by means of labour imported from China, Madras, Zanzibar and other places. The Government was prepared to allow this ambitious scheme, but declined to encourage any intention to import labour from Africa. Mr. Schiller then attempted to start the Company with a capital of nearly two millions, and continued his efforts for three years ; but the public could not be induced to join ; so much money had been lost in Sundarban enterprises, that people had grown cautious. His efforts proved unsuccessful, and the scheme at length fell through in August 1868 ; indeed, at that time, the Port Canning scheme was competing for the support of the public.

About the year 1853 the idea was started of making a subsidiary port to Calcutta on the river Matla. The river was surveyed at once ; and Government bought up lot 54, which is at the head of the river on the west side, with an area of about 8,260 acres for Rs. 11,000, for the purpose of constructing a ship canal and railway to connect that river with the Hooghly. At that time the lot was only partially cleared along the river frontage ; and this portion was surveyed for six miles, and marked out into roads and 'lots' for the construction of the new town and port in 1855, and a site was chosen for the railway station. Measures were also taken at once to clear the remainder of the lot and people it with raiyats. This was a tedious and expensive undertaking, and seems to have occupied about seven years.

The establishment of the port was begun about 1858 and it was called Port Canning. The lands on the river bank were the town lots, and all the rest remained agricultural lands. The

leasehold right in the town lots was sold at public auction for a term of sixty years, and was largely bought up. Some success attended the scheme, and in 1862 the Port Canning Municipality was formed and formally obtained from the Government its property in the town lands. Attempts were made to raise public loans for the improvement of the town and port, but they were not attended with success. In connexion with this scheme a Company was started called the "Port Canning Land Investment, Reclamation and Dock Company, Limited," for the purpose of purchasing and reclaiming the waste lands on the river Matla. The Company bought seven lots, and held ten others in grant; and it contributed largely to a debenture loan that the Municipality succeeded in raising in 1865. But that body needed more money the next year, and Government lent it four and a half lakhs without interest for five years, the Government retaining the port dues in its own hands. Enough seems to have been done to make the port a success if success were attainable. A railway was constructed between Calcutta and Port Canning. Wharves were built and placed in connexion with the railway. But the scheme of a subsidiary port seems to have been unsuited to the commercial interests of Calcutta, and it failed. The Municipality fell into hopeless pecuniary difficulties, which at length brought it into costly litigation with the Port Canning Company and with Government. The final result was that many of the lease-holders of the town lots, who held large quantities of the Municipality's debentures, commuted their debentures for the free-hold right in their lots; and the Government bought up the whole of the property of the Municipality in the Civil Court, and has since paid off all the other debenture-holders.

Port Canning now wears an appearance of stagnation. No shipping visits the port. Fire-wood and other articles are carried by the railway to Calcutta, but the line does not convey the produce that is brought by country-boats from Eastern Bengal round through the Sundarbans; this is conveyed by boats into Calcutta. A mill is the only place in the town that displays any signs of industry. What the expense incurred in the scheme was it is impossible to say. The Government spent at least six lakhs; I do not know what income it received, but the amount can scarcely have been comparable with the expenditure. How private persons were affected is still less within conjecture, but their losses are commonly reported to have been very heavy.

At the same period that the Port Canning scheme was set on foot, other measures were taken to improve the navigation and trade in the Sundarbans. There are at present two alternative routes for boats between Calcutta and Eastern Bengal,

and two routes have existed more or less during the past. One is an inner route, running through the cultivated tracts ; and the other is a more southerly one, and passes in places through the forest. The latter is very largely used in the cold season, when the weather is ordinarily calm and there is no fear of storms or floods. The inner route is generally resorted to in the hot season and rains to avoid the risks of the other route ; but in places it is narrow, and the block is occasionally so great among the boats meeting from both directions that, as the boatmen endeavour to get their own boats on as fast as possible and no proper order is enforced, the boats become jammed, and much time and temper are lost before they can emerge on their way. The block is especially trying when one of the immense tubs, which are the approved fashion of boat built by the people in some parts of the country, sticks in the mud at ebb-tide, and all efforts to move it are hopeless till the next flood-tide.

Navigation, however, must have been in a very unsatisfactory state about forty years ago. There was no continuous towing path from Calcutta to Khulna ; boats sank in the channels and were a constant cause of obstruction and danger ; and the channels silted up, especially at the points where the tide flowing from opposite directions met. A careful inquiry was made in 1853, and these defects were remedied and other improvements were introduced. The towing path is an indispensable-requisite ; boats can be rowed as long as the flood or ebb-tide will carry them in the direction they wish to go, but if there is no wind to help them on, it is wasted labour for the boatmen to attempt to row any except the smallest boats against stream ; it is then they can tow, and the towing path is absolutely necessary to prevent the boats being detained till the tide becomes favourable again. For a few years an officer with magisterial powers was stationed half-way between Calcutta and Khulna to superintend the navigation. At present all these matters are, I believe, cared for by the Public Works Department.

These routes are too small, except in a few places, for the large steamers that ply between Calcutta and Eastern Bengal ; they take a route much further to the south, which passes for the most part through dense forest.

Besides the schemes that have been already mentioned was a suggestion that a mart should be established on the river Baleswar or Bishkhali, as a port for the trade of East Bengal, independent of Calcutta. Both rivers were surveyed, but only the Baleswar was found favourable for small vessels. The scheme was talked about for some years, but ultimately came to nothing ; indeed, the failure of the Port Canning

scheme indicates how mistaken many of the projects started at that time were.

I have already mentioned the proposal that was suggested about 1810 to clear Saugor Island, in order to benefit the navigation of the Hooghly. Two persons tried in turn but failed, and many persons applied for grants in the island, but it appeared they had no real thought of clearing the land and only wanted to secure a nominal property that might eventually become valuable. The island was surveyed by Lieutenant Blane in 1813-14, and its area was computed at about 1,43,550 acres. The Collector of the 24-Parganas, Mr. Trower, began clearing in a central portion, which has been named after him Trower-land ; but he found that cultivation could be undertaken better by private persons, and convened a meeting of merchants and others in Calcutta in 1818. The result was that a Company was started, called the Saugor Island Society, with a capital of two and a half lakhs, in 1819. The Government granted the island to the Company in perpetuity, the first 30 years being free of rent, with various stipulations as to clearing and other matters, failure in which would entail forfeiture. The management was in the hands of 13 trustees, a number which to the superstitious will seem to have prophesied misfortune from the beginning. The Society began energetically, and very satisfactory progress was made in the four northern portions called Mud Point, Ferintosh, Trowerland and Shikarpur, and in a portion at the extreme south called Dhobelát, until May 1833, when the great gale and inundation occurred, which destroyed almost everything and compelled the Society to throw up the scheme in despair.

Four gentlemen then, Messrs. Hare, Macpherson, Hunter and Campbell, bought the four northern portions and carried on the undertaking. Government also conferred on them the privilege of making salt, from which, and the rice cultivation combined, they reaped a lucrative return. The island continued in fair prosperity, although storms occurred in June 1842, October 1848 and June 1852 ; and the rent-free term was extended to 1863. In that year those four portions were found more or less cleared, and cultivation was also found in Dhobelát and another portion ; all the rest of the island was jungle except the spot occupied by the light-house. The settlement of these lands was under discussion, till everything was changed by the cyclone and storm-wave of 5th October 1864, which swept over the island with full force and wrought great havoc. On the 1st and 2nd November 1867 occurred another storm and high tide which threw the island still further back.

These calamities compelled attention to the necessity of providing means of safety, and especially safety for human

life ; the embankments that had been erected had not been a sufficient protection. After much discussion it was at last settled that in each estate in the island, a central place of refuge should be constructed, consisting of a tank surrounded by an embankment  $16\frac{1}{2}$  feet high ; that no habitation should ordinarily be built more than a mile from the place of refuge, and that embanked paths should be made connecting the place of refuge with the habitations. Subject to these and minor conditions, the cultivated lands in the five estates I have mentioned were granted out free of rent in perpetuity in 1875. The places of refuge have been constructed and are subject to annual inspection. Since then, however, there have been no cyclone-waves to test the efficacy of the arrangements, though the people expected one in 1883 because the Bengali year ended in a 'nought' !

At the south of Saugor Island, in a little creek off the sea, is held in January the annual festival of bathing in the Ganges at its junction with the sea. It is largely attended by both men and women, but the festival is decaying, unless excursion steamers should resuscitate it as a pleasure trip ; and the numbers who attend it are far below the estimate often made. I doubt if the number exceeds 5,000, though it is popularly stated to be something like ten times as many. The festival is held on a small piece of sandy ground, mat-booths are run up in rows, and fakirs and hawkers combine religion and trade in their respective callings. It can be readily perceived that in such circumstances, sanitary arrangements are but nominal, and, though the festival lasts but a few days, the pilgrims are liable to be attacked by cholera, or to carry its germs away with them.

Of late years reclamation has made little progress except in Bakarganj, where almost all the lands are more or less cultivated, but great loss of life and damage were inflicted by the cyclone-wave of 1st November 1876 on the lands at the extreme east. The forest in the 24-Parganas and Khulna is now under the Forest Department : that in the former district is 'protected,' and that in Khulna is 'reserved.' Wood-cutters are allowed to ply their business in the protected forest under passes from the Department, and careful watch is kept over them by toll-stations established at all the important water-passages into the forest. Everything in Bakarganj is free. They bring away timber and fire-wood, *gol pátá* leaves for thatching, and reed for matting. Shells, canes and other articles are also obtained from the forest.

The wood-cutters go down in boats suited to the cargo they intend to fetch, and before beginning their work, generally propitiate the forest divinities through fakirs in order

to obtain immunity from wild animals. Some fakirs have a great reputation. The chief local divinities are the Boy Saint (*Sawál Pir*) and the Forest Lady (*Ban Bibi*) ; both seem from their names to be of Mohammedan origin, but they are worshipped by both Mohammedans and Hindus, and their shrines are often marked by nothing more than a bamboo with a flag at the top. These men can get near places, where they intend to cut timber, by means of the khals that penetrate everywhere. It is difficult to wander far through the forest in the west, as the ground is low and swampy, but there is no hindrance in Bakarganj except for the khals. Perhaps the greatest advantage the wood-cutters enjoy is, that the forest has little undergrowth, and they can keep a look-out for some distance around. The báwális, or regular wood-cutters, are very poor and must venture their lives to gain their living ; as they graphically express it, their choice lies between starvation and risking themselves against the tigers. Raiyats, however, from Jessore, Khulna and Bakarganj often undertake expeditions to the forest when they have no pressing work at home ; and much of the rice crop is also reaped by such men, when the Sundarban cultivators are unable to gather it in unaided.

There is plenty of sport in the Sundarbans, though it is not to be had easily. Tigers, deer and wild pig abound everywhere, and especially on the confines of cultivation. Deer are especially destructive in November and December when the rice has grown, but has not reached maturity. The wild pig are always at hand to dig up the ground for whatever they can find. The tigers stalk the deer and the pigs, and will swim broad streams in their search for prey. Buffaloes are found in the eastern parts, and rhinoceroses in the depths of the forest near the sea coast. Abandoned clearances, where grass has grown up, are excellent places for finding deer, which may be seen browsing there at all times of the day. Such places are better and more numerous in Bakarganj than in the west, for when land is abandoned in the west, a kind of wild palm, called *hetál*, and low scrub or reed spring up and thrive more readily than grass ; but in lands that are much impregnated with salt, little will grow besides a low reddish succulent herb, and the jhau, which is like a casuarina. In the east, the land being high, grass grows readily, and will maintain its position for years before it is ultimately extinguished by the encroachment of the forest. Such spots are very plentiful in the lands near the sea coast in the extreme east, which have been reclaimed and abandoned by the Magh settlers ; and they generally possess deserted tanks which contain fairly fresh water, and are visited nightly by wild animals.

Maghs from Chittagong and Arakan have been settled on the coast lands at the extreme east for at least sixty years, and have carried with them their inveterate practice of "jhooming," that is, they settle on a spot of forest, cut down the trees, and cultivate the soil for a few years; and then move off to a new spot and repeat the process. But the difficulties and disadvantages of Sundarban cultivation have compelled them to stay longer in one place than their old practice was. Newly cleared ground is full of the stumps and roots of the trees and cannot be ploughed; the seed must be scattered broadcast till the stumps and roots decay. The sundri tree has the peculiarity of sending up from its roots small prongs or spits, a foot or more in height, which are sometimes so thickly placed as to leave little room for walking. The first crops are, of course, poor, as the soil is more or less impregnated with salt, and it needs some years' cultivation to eradicate the salt. Their unsettled habits render the Maghs excellent pioneers, but most troublesome raiyats. If lands cleared by Maghs can be peopled with Hindu or Mohammedan raiyats, they may be considered as well settled as possible, but these classes strongly dislike what they consider the filthy habits of the Maghs, who build their houses on piles from 3 to 5 feet high, and keep their dogs, poultry and refuse in the space beneath. The results are certainly most insanitary; yet they may perhaps furnish the geologists of a future age with as much interest and information as the "kitchen middens" of Denmark.

All the shooting must be done on foot. Elephants cannot be had unless conveyed there at an expense which is prohibitive. It is not of much use to seek the tiger or deer on foot, even on solid ground, for they would hear or see one long before one could get at them; and with tigers, it has sometimes happened that, while the sportsman imagined he was following up the tiger, the tiger was stalking him. Deer may be found in the evening or early morning in most of the open spots, and they are very bold when the rice is ripening. In the deserted clearances, where they are little disturbed, they may be seen all day long. The local shikaris are far from adepts in their profession. In some parts they have little pits a foot or two deep in the open spots, and sit in these at night to shoot the deer. The tigers are seldom disturbed unless they are troublesome, and the readiest way to get them is to sit up over a 'kill,' or lie in wait for them near their haunts; yet, in one of the cleared spots where a pair had established themselves, I saw them walking about in the open in broad day-light. Near Morrellganj the people sometimes settle a troublesome tiger by hemming him in with nets and

driving him into them ; though he can leap a long distance, he cannot, they say, spring over a net seven feet high. I have never seen wild buffaloes, though their tracks around deserted tanks, where they go at night to drink, are common enough.

An officer's duty in the Sundarbans is a mixture of sedentary life, rough out-door work, and jungle wandering. It consists in surveying, settling and leasing out lands of every description, from the most thoroughly cleared estates to the wildest forest, during the cold season ; and while travelling from one place to another, days may be spent in the confinement of a boat. Much of the work must be done with a gun in one hand, and every one who has served there has no doubt tales to tell of the risks he has run. The drawbacks are many and obvious ; yet there are fair opportunities for sport, and living so entirely among the isolated people, to whom the slightest medical attention is a great boon, for months together, with so few of the usual official accompaniments, one may learn very much of their ways and language, and more perhaps may be learnt of the rise and growth of the land system of Bengal in the conditions, both crude and highly developed, which are found in the Sundarbans, than in the ordinary districts where the changes that have been at work have been almost hidden from notice by the Permanent Settlement.

F. E. PARGITER.

ART. VI.—INDIAN CONSTITUTIONAL LAW.—II.\*  
PROVINCIAL COUNCILS.

A.—EXECUTIVE COUNCILS.

ONLY the Governments of Madras and Bombay have such Councils. In Provinces administered by Lieutenant-Governors or Chief Commissioners, they alone constitute the Government, the Secretaries being merely their mouth-piece.

By section 21 of 33 Geo. III. c. 52, the whole civil and military Government of each of the presidencies of Madras and Bombay were vested in a Governor and three counsellors. † Section 32 of the same statute authorized the Court of Directors to appoint the Commander-in-Chief also to be a member of the said Councils, and when so appointed, he was to have rank and precedence at the Council Board next to the Governor. By section 29 of 21 and 22 Vic., c. 106, members of Governor's Councils were to be appointed by the Secretary of State in Council, but this provision was in 1869 superseded by 32 and 33 Vic. c. 97, which provides (sec. 8) that they shall be appointed by Her Majesty by warrant under Her Royal Sign Manual. It is not quite clear whether the condition of twelve years service in India, imposed by 33 Geo. III. c. 52. s. 25, is still in force.

By sec. 56 of 3 and 4 Will. IV. c. 85, it was enacted that the executive Government of each of the several Presidencies of Fort William in Bengal, Fort St. George, Bombay and Agra ‡ should be administered by a Governor and three councillors. † Sec. 57 gave the Court of Directors power to revoke and suspend the appointment of Councils in any Presidency, or to reduce the number of Councillors. This power was exercised in 1833, when the Court of Directors directed that the Governments of Madras and Bombay were to consist of a Governor and a Council, the Council to consist of two members being civil servants, with the addition of the Commander-in-Chief, when the Court should appoint him to a seat in Council, otherwise of two civil servants alone.

\* Continued from No. CLXXVII for July 1889 p. 164

† I adopt the spelling as I find it in the original statutes.

‡ It was enacted by sec. 38 of 3 and 4 Will. IV. c. 85, that the Presidency of Fort William in Bengal should be divided into two distinct Presidencies, one to be styled the Presidency of Agra; but the provision was never brought into operation. Its operation was suspended by 5 and 6 Will. IV., c. 52, and the suspension was continued by 16 and 17 Vic. c. 5, s. 15.

Meetings of the Executive Councils are called ordinary meetings. The Governors of Madras and Bombay may make rules and orders for the conduct of business in their councils, and any order made, or act done in accordance with such directions, shall be deemed to be the order or act of the Governor in Council \*

In the absence of the Governor, the senior Civil ordinary member of Council presides. It would appear † that at ordinary meetings, the Governor has not got a casting vote ; but Governors, like the Governor General, may override their councils when any measure is proposed whereby the safety, tranquillity, or interests of India, or any native State are, or may be, in the judgment of the Governor, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected. †

There seems to be no specific rule as to what constitutes a

\* 24 and 25 Vic. c. 67, s. 28.

| + id. s. 34.

† 33 Geo., III, c. 52, s. 47. The powers given by this section are, as to the Governor-General in Council, practically superseded by 33 Vic., c. 3, s. 5. The origin of this power will be found in Sir John Kaye's "Lives of Indian Officers." "Lord Cornwallis had always believed that, unless large powers were vested in him, he could render no service to his country. He desired to hold in his own hands both the supreme civil and the supreme military authority ; and seeing that, if thwarted, as Hastings had been by a factious opposition in the Council, he would have no real power of any kind, he declared it to be an essential condition of his acceptance of the office, that he should be empowered, on great occasions, to act upon his own responsibility, against the votes of the majority of the Council. To these conditions Pitt and Dundas readily consented. . . . . The King's Ministers kept their promise, and prepared at once to bring in a supplementary Act of Parliament, explaining or amending the objectionable clauses in the India Bill of 1784. It was certain that it would be opposed. The party who saw, or pretended to see, only a constitutional safeguard in such opposition as that with which Francis and Clavering had held in restraint the independent action of Governor-General Hastings, were alarmed and indignant at the thought of placing such large powers in the hands of a single man. It was to establish a gigantic despotism. So against this measure Edmund Burke lifted up his voice, declaring that it contemplated the introduction of an arbitrary and despotic Government into India, on the false pretence of its tending to increase the security of our British Indian possessions, and to give fresh vigour, energy, and promptitude to the conduct of business, where before had been only weakness, decrepitude, and delay. To this Dundas replied in a convincing speech, which must have touched, in a sensitive place, Philip Francis, who had endeavoured to introduce a Bill of his own—that arbitrary and despotic power might result from the action of two or three no less than from the action of one ; and that it was certain that all the mischief and misfortune that had for many years afflicted India, had arisen from the existence of party feelings and factious behaviour among the different Members of Council. The Bill was passed by large majorities in both Houses of Parliament."—*Life of Cornwallis*, pp. 51—54.

quorum for a meeting of a Governor's Executive Council, though the absence of the Governor is provided for. But if any member is by any infirmity or otherwise incapable of attending a meeting, a temporary member may be appointed to take his place, receiving half his own salary and half the salary of a member of Council.\*

The salary of a member of a Governor's Council is Rs. 51,440 ; it used to be 60,000 sicca rupees.

#### *Lieutenant-Governors versus Governors in Council.*

The respective merits of a Lieutenant-Governor or of a Governor in Council for Local Administrations has sometimes formed the subject of discussion. If any change be made in the existing state of things, it is more probable that the important Province of Bengal will be given a Governor and Council, than that the old established Presidencies of Madras and Bombay will be reduced to Lieutenant-Governorships. There are strong reasons for and against giving Bengal a Governor and Executive Council, and I will merely state the *pros* and *cons* as succinctly as possible, leaving the reader to form his own opinion :—

#### *Pros*

1. The presence of the Government of India in Calcutta for four months in the year materially weakens the position and authority of the Local Government. If Bengal had a Governor in Council, it would not be necessary for the Government of India to visit Calcutta, except occasionally, in a peripatetic manner, as it might visit Madras, Bombay, Lahore, Delhi, or Benares. The Supreme Government would thus have far greater opportunities of being brought into "touch" with all parts of the Empire.
2. A Lieutenant-Governor occupies a position somewhere between a Governor in Council and the more modern Chief Commissioner : whether he approximates to the more or less independent position, depends on the personal views entertained in the Administrative (Home) Department of the Government of India. It is perhaps inadvisable that, in the consulship of a Gallio, there should be virtually no appeal from an autocratic Lieutenant-Governor, while the next lustrum may see him reduced to the status of a Chief Commissioner by the *perfervidum ingenium* of a Home Secretary.

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\* Sec, 33 Geo. III. c. 52, s. 34 ; 3 and 4 Will. IV. c. 85, s. 64 ; 24 and 25 Vic. c. 67, s. 27.

3. Having regard to the powerful and often conflicting interests which have to be dealt with in Bengal, and to the way in which the educated classes, both European and native, are able to put pressure on the Government, it is very necessary that that Government should be so constituted as to carry with it the maximum of weight, prestige, and authority. Some of the reasons which have been enumerated above, as reasons in favour of confiding very important legislation affecting Bengal to the Supreme Legislature, are also reasons for giving Bengal a Governor and Council ; for instance, the complex problems which arise in Bengal, and the fact that almost all questions have two sides.
4. A Governor in Council will not only have more weight with the public, but he will have more weight with the Government of India. He will be better able to obtain full consideration and justice for the needs of Bengal. The City of Bombay owes much to its having been under a Governor and Council.
5. The creation of Bengal into a Governorship will relieve the Government of India, which is becoming over-worked. The concession of comparative independence to Bengal will considerably contract the sphere of the duties of the Government of India.
6. It will at the same time relieve the Lieutenant-Governor. He can make over certain departments almost entirely to his members of Council.
7. A Governor in Council is more likely to be a strong and courageous government, especially in a province like Bengal, than a Lieutenant-Govenor who rules singly and entirely on his own responsibility.
8. Business is less likely to be delayed by the tours of a Governor, as his Council would remain in Calcutta.

*Cons*

1. If Councillors are strong, Secretaries become mere clerks or subordinates. If they are weak or indifferent, the Secretaries are everything, and the Council adds little or nothing to the working power of the Government.
2. The privilege of direct correspondence with the Secretary of State is not likely to promote harmonious subordination to the Government of India. But, of course, it is not indispensable that a Governor in Council should enjoy such privilege.
3. The creation of Bengal into a governorship would

lessen the authority of the Governor-General over a province which is, in some respects, the most important in India. Many are of opinion that the authority of the Government of India over Local Governments requires to be strengthened, and not weakened ; that local administrations should not be converted into so many loosely confederate States.

4. The Government of India would have less financial control over a Governor in Council.
5. An Executive Council would often act as a drag on the wheels of Government. A Lieutenant-Governor could act with more promptness and vigour.
6. The Lieutenant-Governor must be a civilian of experience and proved ability. Such a man, unlike the English statesman who is generally appointed Governor of Madras or Bombay, is in little need of a Council, as he is thoroughly conversant with the details of the administration. What advice he requires can be readily obtained from his Secretaries.
7. As to the relief which a Council would give to an over-worked Lieutenant-Governor, this may be better effected by forming Behar and Orissa (with the Gurjhat Mehals and Sumbulpore) into Chief Commissionerships. Relief was given in this way in 1874 by separating Assam from Bengal.
8. As a matter of fact the Lieutenant-Governor has Councillors in his Secretaries, who are always consulted. The Secretaries might be called Ministers, and the Chief Secretary might be put on the footing of a Colonial Secretary.

Perhaps the matter may be summed up by saying that a Council would be no help to, and might hamper an exceptionally firm and able Lieutenant-Governor ; while it would be a distinct aid and source of strength to a ruler of less courage and decision. The question is one on which it is not easy to form a decided opinion ; each man would probably decide it according to his own temperament. Perhaps most readers will think that the *pros* enumerated above are of greater weight than the *cons*. It has been said that the Board of Revenue is a sort of Council to the Lieutenant-Governor. But the element of responsibility is absent, and, as a matter of fact, the Board did not prevent an administrative collapse at the time of the Orissa famine.

#### B. PROVINCIAL LEGISLATIVE COUNCILS.

These are regulated by the provisions of the " Indian Councils Act, 1861 " (24 and 25 Vic., c. 67.) This Act is perhaps the

most important part of the Indian Constitution ; and if Local Governments would more freely and boldly make use of the extensive powers which the Act gives them, we should hear less of the ever-increasing difficulties of administration. But, extensive as these powers are, there are not a few dangers which the barque of a Local Council has cautiously to steer clear of, so as not to strike on the rock of *ultra vires*. I shall allude to these further on.

The constitution of the Legislative Council had been revised in 1853, and the Act of 1861 brought the labours of that body to an end. One of the principal objects of the Act was to restore to the Councils of the subordinate Presidencies the power of legislation, which had been taken away from them by the Act of 3 and 4 Will. IV. c. 85, and to establish new local legislatures in other parts of India. The legislative powers of the Government of India were left unimpaired, but under the new Act were to be chiefly exercised in matters of general administration and such as affect India as a whole. Perhaps the most important feature of the Act is that it provides, for the first time, for the admission of Europeans, independent of the Government, and of natives of India, to take part in the important work of legislating for India.

#### *Constitution of Councils.*

The Legislative Councils of the Governors of Madras and Bombay respectively consist of the ordinary members of Council, the Advocate General of the Presidency, and not less than four nor more than eight additional members, as the Governor may think fit to nominate ;\* provided that not less than one-half of the persons so nominated shall be non-official persons. Additional members are appointed for two years. If any such member dies, accepts office under the Crown, or resigns, the Governor may appoint another person until the termination of the term for which the original member was appointed, provided that the proportion of non-official members must not be diminished.† If the Governor be absent, the senior civil ordinary member of Council presides. Five members are required for a quorum at a legislative meeting, and the Governor or some ordinary member of Council must be one. In the case of a difference of opinion and an equality of votes, the President has two votes or the casting vote.‡ The Governor may make rules for the conduct of business at legislative meetings, subject to the sanction of the Governor-General in Council. No business can be

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\* 24 and 25 Vic., c. 67, s. 29. | † *id.* ss. 30, 32. | ‡ *id.* s. 34.

transacted at a legislative meeting other than the consideration and enactment of measures introduced for the purpose of such enactment, or the alteration of rules for the conduct of business at legislative meetings.\*

The above rules in the Statute relate to the Madras and Bombay Councils, but sections 46, 47 give the Governor-General power to constitute new Provinces, and alter their limits for the purposes of the Act ; and section 48 provides that all such rules shall apply to laws to be made by any Lieutenant-Governor in Council.

#### *Extent of Legislative Power.†*

The Governors of Madras and Bombay in Council have power to make laws for the peace and good government of their respective territories. A Local Legislature can repeal or amend any law made by the Governor-General in Council or by a Local Government before the date of the passing of the Indian Councils Act, but cannot repeal or amend any law passed by the Governor-General in Council since that date, or any Act of Parliament.

The said Governors in Council may not, except with the sanction of the Governor-General previously communicated to them, make or take into consideration any law :—

- (1). Affecting the public debt of India, or the customs duties, or any other tax or duty now in force and imposed by the authority of the Government of India, for the general purposes of such Government :
- (2). Regulating any of the current coin, or the issue of any bills, notes, or other paper currency :
- (3). Regulating the conveyance of letters by the post office, or messages by the electric telegraph within the Presidency :
- (4). Altering in any way the Penal Code of India :
- (5). Affecting the religion or the religious rites and usages of any class of Her Majesty's subjects in India :
- (6). Affecting the discipline or maintenance of any part of Her Majesty's military or naval forces :
- (7). Regulating patents or copyright :
- (8). Affecting the relations of the Government with foreign Princes or States.

Provided always, that no law or provision of any law made by any such Governor in Council, and assented to by the Governor-General as aforesaid, shall be deemed invalid only by reason of its relating to any of the above purposes.

With reference to the fourth clause above, there is a rule by

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\* 24 and 25 Vic., c. 67, s. 38. | † *id.* ss. 42, 43.

which Bills of Local Councils, containing penal clauses, must be submitted to the Governor-General for previous sanction. This rule seems to go beyond the law. Almost every Act must contain penal clauses, which need not alter, though they may add to, the existing body of penal law. I believe the rule is not always strictly enforced.

*\*Assent to, and Force of Laws.*

When any law has been made at a legislative meeting, the Governor † may, whether he was or was not present in Council at such meeting, declare that he assents to, or withholds his assent from the same. He is to transmit forthwith to the Governor-General an authentic copy of every law to which he assents, and no such law shall have validity until the Governor-General has assented thereto. If the Governor-General withholds his assent, he must signify his reason in writing to the Governor. If the Governor-General assents to the law, he must transmit to the Secretary of State an authentic copy thereof, and Her Majesty may signify, through the Secretary of State, her disallowance of such law, and such disallowance shall make void such law from or after the day on which the Governor shall make known by proclamation, or by signification to the Council, that he has received the notification of such disallowance by Her Majesty.

It will be seen from sec. 40 of the Act, that the assent required is that of the Governor-General personally, and not of the Governor-General in Council. Assent has been refused on the ground that the principle or policy of the Act is unsound, or contrary to the avowed policy of the Government of India; that the Act, or some portion of it, is *ultra vires* of the Local Legislature; that it is so defective in drafting or form as to be likely to lead to confusion or misconstruction. The more recent practice has been not to notice defects of drafting.

When an Act, or some portion of it, is *ultra vires*, the expedient of passing a conferring or enabling Act in the Governor General's Council has sometimes been resorted to. The most recent instance is Act XII. of 1888, which had to be passed to legalize and give effect to those portions of the Calcutta and Bombay Municipal Acts, which oust in certain matters the jurisdiction of the High Courts. So an Act (XXI of 1882) had to be passed to confirm the Madras Forest Act, some of the provisions of which were inconsonant with the provisions of the Indian Forest Act (VII. of 1878). This

\* 24 and 25 Vic. c. 67, ss. 39—41.

† The word 'Governor' must be read as including 'Lieutenant-Governor' in those Provinces where Legislative Councils have been established.

is a somewhat clumsy *modus procedendi*, and due to the desire to, so to speak, give as much "rope" as possible to the Local Councils. The Government of India recognize that their sphere of operations is becoming more and more restricted and circumscribed by the numerous Acts passed in the Supreme Council since 1861, and that it is consequently very difficult for a Local Legislature to pass an Act, which is quite free from constitutional objections. Not a few Acts of importance have been vetoed from time to time on the ground of their being *ultra vires*. In 1872 the Bengal Excise Consolidation Act was vetoed for curtailing the jurisdiction of the Calcutta High Court and the Court of Small Causes, and for contravening sec. 10 of the Indian Contract Act, 1872. The Bengal Court of Wards Act, 1877, was vetoed for contravening the Code of Civil Procedure. The difficulties, with which the path of a Legislative Council is beset, will be discussed below.

*The Sphere, Functions, and Position of  
Local Legislative Councils.*

After the passing of the "Indian Councils Act," Sir Charles Wood, then Secretary of State for India, wrote as follows:—

"It is advisable that the several Legislative Councils should undertake, as far as possible, the necessary legislative business for the territories under their respective jurisdictions. The circumstances of different parts of India are widely different, and may, even under the same general head of administration, require widely different measures of a practical character; and it will be no ground for condemning a measure on any particular subject passed for one Presidency, that it differs, in some respects, from another measure on the same subject for another Presidency. There will, however, always remain some important subjects to which, for the most part, general legislation alone is applicable, and which should be reserved to be dealt with by the Council of the Governor-General. Such are the subjects specified in section 43 of the Act. If, however, it should appear to the Governor-General more expedient that enactments on any of those subjects, so far as regards any Presidency or Lieutenant-Governorship, may be more conveniently passed by the Governor or Lieutenant-Governor in Council, legislation in regard to those subjects by the Local Legislature, with the previous sanction of the Governor-General, is permitted by the terms of the section.

"There is nothing in the terms of the section, or in any other part of the Act, which takes away from the Council of the Governor-General the power of legislation in regard to all matters whatsoever connected with any part of Her Majesty's dominions in India, and it is possible that there may be other subjects than

those enumerated, which may be considered as properly coming within the cognizance of the highest legislative authority. The division of legislative measures into two classes will not be difficult, and, as a general rule, the Supreme Legislature should as little interfere with matters of local administration, as a Local Legislature should be permitted to interfere with those matters of general administration which are reserved to be dealt with by the Council of the Governor-General."

It was evidently intended, then, that the sphere of Local Councils should be very extensive, but certain causes have operated to curtail it :—

1. Much greater control is given to the Governor-General over the exercise of the power of legislation than was the case before the passing of the Act 3 and 4 Will. IV. c. 85.
2. The rules for the conduct of business at meetings of the Councils are to be submitted for the sanction of the Governor-General in Council, (s.37.)
3. No law is to have validity until sanctioned by the Governor-General. (s.40).
4. A Local Legislature cannot repeal or amend any law passed by the Governor-General in Council since the date of the Indian Councils Act.
5. A Local Legislature cannot repeal or amend any Act of Parliament.
6. It cannot, without the previous consent of the Governor-General, legislate on any of the subjects specified in s. 43 of the Indian Councils Act. \*
7. It cannot take away any of the jurisdictions conferred on a High Court by the High Courts Act or by Letters Patent.

This is a formidable list of restrictions, but the fourth is more formidable than all the others put together, and is becoming more and more so by the simple operation of time. The functions of Local Legislatures are necessarily narrowed as more and more subjects come under the process of consolidation by the Supreme Council. In fact, as time goes on, and the bulk and range of Supreme Council Legislation increase, Othello's occupation bids fair to disappear altogether, and the power of legislation will be a monopoly of the Indian Legislature. This is a matter for regret. The circumstances and conditions of different provinces vary to such an extent, that they require different laws. There are those who think that excessive uniformity of legislation constitutes a danger to the Empire ; rather it is desirable to make each province,

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\* See page 308 *supra*

so to speak, a separate water-tight bulk-head, so that any particular legislative failure or administrative collapse may affect a limited area only, and not the whole peninsula from Peshawur to Burmah, from the Himalayas to Cape Comorin. Probably the soundest watchword would be "uniformity in imperial, diversity in parochial matters." Lord Macaulay's maxim was : Uniformity where you can have it: diversity if you must have it, but in all cases certainty." The question, then, of enlarging the powers of Local Councils is one of great importance. They may be enlarged in two ways :—

1. By giving them the same powers, as regards the High Courts, as are possessed by the Indian Legislative Council.
2. By permitting them to alter or amend Acts of the Indian Legislature passed subsequent to 1861.

If the second power were made contingent on obtaining the previous sanction of the Governor-General, it would merely be an extension of the principle contained in sec 43 of the Councils Act. The Local Council could not act contrary to the wishes or policy of the Government of India, because its initiation of measures would be under complete check by the Governor-General ; at the same time its usefulness, and the sphere of its operations, would be extended.

As to the first power, Local Councils may make laws for the "peace and good government" of the territories for which they legislate. These are wide words, and the constitution and powers of the Courts of Justice within such territories clearly fall within them. The detailed arrangements for the various gradations of Civil Courts must differ in every province, and the matter is peculiarly one for a Provincial Legislature. But a Local Council cannot affect the powers of a High Court over the Mofussil Courts, and so Civil Courts' Acts for various provinces have had to be passed by the Governor-General's Council. For instance, it might be *ultra vires* for a Local Council to remove any revenue matters or proceedings from the jurisdiction of the High Court. There appears to be no sufficient reason why the charters of the High Courts should not be as much subject to Provincial Councils as they are to the Supreme Council. Provincial Councils are now surrounded by many pitfalls, and Parliament should extend to their laws the same protection that it has given to the laws of the Indian Legislature. It is not probable that the Provincial Councils will abuse their extended powers, as they are thoroughly subordinated to the Governor-General and the Crown, and the High Courts are well able to make their voices heard whenever they think the legislature is in error.

But this is a matter in which a good many factors have to be taken into consideration : there are *cons* as well as *pros*. Avoiding the rôle of an advocate, I wish merely to state the case, to sum up as a judge the points for and against. Let me first enumerate the points in favour of increasing the powers and enlarging the sphere of Provincial Councils :—

1. Different provinces require widely different measures of a practical character. The Government which stays in a province throughout the year is best aware not only of its wants and needs, but of the most appropriate methods of providing remedies, and laws can be better adapted to the special wants of the province.
2. When the Supreme Council legislates for a particular province, there must necessarily be an excessive delegation of legislation ; that is, far more must be left to be provided for by executive rules than if the Act were passed by the Local Council. It should be added that some draftsmen think that legislation (especially in India) should leave as much as possible to executive action, merely laying down broad rules and principles, and leaving details to be worked out by the executive administration.
3. The performance of local legislation has a healthy moral and educational effect on the province in which it is performed. It induces the whole community, and more especially the non-official community, both European and native, to take an interest in the framing of the laws under which they are to live, and to study the practical effect of them.
4. The Government of India is already over-worked ; the time has probably come for contracting the sphere of its duties. What is hard work for the Legislative Council often means hard work for the Executive Council also.
5. When transmitting, in 1861, a copy of the Councils Act to the Government of India, Sir Charles Wood remarked that the Governor-General would probably find it expedient to extend the provisions of the Act without delay to Bengal, the North-West Provinces, and the Panjab. And yet, after the lapse of 28 years, the Act has not yet been extended to the Panjab, and it has only been in force for two years in the North-West Provinces. The late Sir Henry Maine was of opinion that the

time of the Supreme Council was too much taken up with the "parish vestry" business of the North-West, the Panjab, and the Chief Commissionerships. Such matters as municipal and local self-Government are eminently matters for Local Councils. The powerful and elaborate machinery of the Supreme Council is wasted in manufacturing provisions for preventing encroachments on roads and petty nuisances, for enforcing sanitation, for digging tanks, for regulating serais, markets, slaughter-houses, and similar parochial matters. The Nasmyth hammer of the Supreme Council should be reserved for crushing imperial problems and hammering out comprehensive measures of codification, applicable to the whole of India.\* Almost the whole session of 1887 was taken up with Land Revenue and Tenancy Acts for the Panjab. The Bengal Tenancy Act occupied the whole of a session. This year (1889) the Supreme Council has passed four Acts for the Central Provinces.

6. The Local Government must know best the habits, customs, and idiosyncrasies of the populations over which it rules, and its legislation is more likely, than that of the Supreme Council, to be sympathetic, popular, and in accord with public opinion. This is merely an amplification of the first factor.
7. Local Councils can legislate rapidly.† The importance of rapidity of legislation cannot be overestimated in a country like India, composed of diverse and often hostile races, castes, and religions.‡
8. The Local Government and its principal officers will take a much greater interest in local matters, when they are uncontrolled and unhampered in dealing with them.

It remains to note the considerations which weigh against giving more rope (*sit venia verbo*) to the Local Councils, and

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\* What remains to be done for codification was indicated in my article on "Indian Codification" in the *Calcutta Review* for April 1889, No. CLXXVI, pages 377, 378.

† At least they have done so hitherto. But there are signs that this may not continue to be the case.

‡ The amending Act known as "the Ghee Act," had to be rapidly passed in 1887 : so also the Emigrants' Sanitation Act during the present year.

in favour of confiding all important measures of legislation to the Supreme Council :—

1. The Government of India has a trained Legislative Department, which saves it from many errors to which Local Councils are subject, and into which they often fall. It is true that Local Councils include the Advocate-General, but as a matter of fact his presence has not sufficed to steer Local Councils (in Calcutta, Madras, or Bombay) clear of errors. An Advocate-General is not necessarily a draftsman or a constitutional lawyer, and (what is far more important) his whole time is not at the disposal of the State. During the present year the Advocate-General of Bengal failed to see that the Calcutta Municipal Act was *ultra vires*.
2. To take the Bengal Council for purposes of concrete comparison: This Council, sitting in Calcutta, is less "strong" and independent than the Supreme Council, spending eight months of the year at Simla. "Strength" is the quality *par excellence* which is indispensable in governing a "congeries gentium."
3. It is less capable of taking a wide and imperial view of matters coming before it. The imperial aspect of administrative measures cannot be overlooked; but in peaceful Bengal there is danger of "the empire" being sunk in "the parish." In a community of merchants, English barristers, and subtle native lawyer-politicians—a community in which the military element is far too infinitesimal to produce a counteracting effect—a Local Council might be overborne by the demands of a single powerful class; or it might be too weak to withstand the cry for a political idea, a theoretically perfect law, the practical results of which might be to sacrifice the best interests of the Empire. *Fiat lex (not justitia), ruat imperium.*
4. As was pointed out by the late Sir Henry Maine, the questions to be dealt with in Bombay and Madras are comparatively uniform and simple. In both Presidencies almost all the land is in the hands of a peasant proprietary. Except in a small part of Madras, the Europeans are collected in the Presidency towns, their interests scarcely ever conflict with those of the natives, and in Bombay the moral gulf between the races is bridged over by the Parsees. Bengal, on the other hand, is the Province of great questions. The problems are

complex, many-sided, and of extreme difficulty. There is scarcely a single question which has not a European side and a native side, (resulting from the large number of European non-officials in the interior), a proprietor's side and a tenant's side, or which has not to be regarded from the point of view of the educated and progressive section of Bengali society, and again from the point of view of rigid orthodox Hinduism.

5. The Bengal Government—and much more the Bengal Council—is more likely to be unduly influenced by pressure from some one powerful class. The masses are not represented as yet (that is, not by non-official Members)\* and the public opinion which now makes itself heard and felt is of two kinds. The large planting interest and the equally large commercial interest are connected intimately with the bar, which has, and always will attract the ablest barristers in India. They form collectively a powerful body of intelligent and earnest men, enabled, by connection with the press, both here and in England, to force on the Government the views which they think best for their own interests. Their views are always honest views, but occasionally circumstances cause them to be somewhat one-sided. The leaders of this body—and I am sure a hint from one who is a respecter of honest views will be taken in good part—would do well so to control its opinion as to prevent its bursting the banks of moderation, to guard its being carried away by temporary gusts of indignation or class feeling, and to prevent its urging the Government to the adoption of mischievous and suicidal courses.
6. The other class of opinion is that of the advanced section of native society. If this opinion is less honest, if views are expressed in and out of the press which are not entertained to their full extent, if claims and pretensions are put forward which even those who make them do not sincerely believe in the expediency of fully granting,—still, the motive is a good one, namely, a desire for absolute autonomy. I believe there are none who regard the idea of autonomy for Bengal as more chimerical than advanced Bengalis themselves.

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\* This matter will be discussed in an article by the present writer on "Indian Legislation," which will appear in the next number of this Review.

Still a constant pressure is being brought to bear on Government to take the reins of the administration more and more out of the hands of Europeans; indigo factories are being more and more owned or financed by natives; the country trader and the town merchant are jostling and trading on the heels of European firms; and the native pleader claims to enter the portals of the Original Side of the High Court. If this section of public opinion is, outside the Legislative Council, less weighty with the Government—and I express no opinion one way or the other—its representations have probably greater influence inside the Council-hall than the representatives of the mercantile community. However that may be, the above facts go to show that, when important conflicting interests have to be dealt with in any particular legislative measure, the Supreme Council is more independent, more strong, and less likely to sacrifice or subordinate the interests of one class to another.

7. Finally a Local Council, owing to the influence of advanced native opinion, is not only likely to be more radical, but it may go too far in the direction of experimental autonomy, and thereby increase the difficulties of administration, merely in order to conciliate such opinion, and from a reluctance to oppose it. It may be said that this condemnation is somewhat general, and requires concrete instances to support it. I will give one. Owing to the desire of a Native Chairman to inspect a powder factory and works in a municipality near Calcutta, it was considered necessary so to amend a section of the Mofussil Municipalities Act as to empower the Local Government to exclude any portion of a municipality from the jurisdiction of the Commissioners. The amendment was calculated to be unpopular with the section of advanced natives, and it was passed into law with some reluctance and in a modified form.\* The Supreme Council

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\* It had been intended to give the Local Government power to exclude all Government buildings, but the Bill was subsequently restricted to buildings used for naval or military purposes. Government buildings in Bengal Municipalities are often over-assessed, and perhaps such over-assessment is not an unmixed evil, as it is a sort of voluntary contribution by the Government towards the successful administration of municipalities. In the North-West Provinces, Government buildings in municipalities are exempt from assessment, and Government stores, on entering municipalities, pay no "octroi" duties.

of course, would not have been affected by such considerations. The reasons which tell in favour of legislating in the Supreme Council, are at the same time reasons for not releasing Local Councils from the leading-strings of the Supreme Government. I have endeavoured to enumerate the *pros* and *cons* fully and dispassionately. It will be seen that there is much to be said on either side of the question, and I leave the reader to form his own conclusion as to the desirability or otherwise of conferring larger powers, and giving greater freedom to Local Councils.

#### *Informal Legislation.*

By informal legislation is meant legislation elsewhere than at legislative meetings. Such laws are made under the provisions of the Statute 33 Victoria, chapter 3, in the following manner :—The Secretary of State in Council may from time to time declare to what portions of India the provisions of the Statute are to be applicable; and thereafter any Local Government, now in existence or hereafter to be established, to which any such portion of India is subject, may propose to the Governor-General in Council drafts of any regulations, together with the reasons for proposing the same, for the peace and good government thereof. The Governor-General in Council shall take such drafts and reasons into consideration, and when any such draft shall have been approved of by the Governor-General in Council, and shall have received the Governor-General's assent, it shall be published in the "*Gazette of India*" and in the local "*Gazette*," and shall thereupon have the same legal operation and effect, and be subject to the like disallowances, as if it had been made at a regular meeting of the Legislative Council. Authentic copies of such Regulations are to be sent to the Secretary of State in Council.

The legislation under the Statute 33 Victoria, is intended to meet the wants of the more backward parts of India, to the inhabitants of which it would certainly be no blessing to extend all our elaborate codes and laws, or to enable the administration to cope better with peculiar crime or a specially turbulent population. In pursuance of the latter reason, section 1 of the Statute has been extended to Upper Burmah and certain Sindh and Panjab frontier districts. As regards the former object, the Statute has been extended to many jungly and hilly portions of the country: for instance, the Garo Hills, the Khasia and Jaintia Hills, the Naga Hills and certain other districts in Assam, to the Sontal Pergunnahs and the Chittagong Hill Tracts in Bengal, to the Andaman and

Nicobar islands, and to some backward portions of the Godavari District in the Presidency of Madras.

The ordinances of the Governor-General constitute another species of informal legislation. By section 23 of the Councils Act the Governor-General is invested with an extraordinary power of making and promulgating ordinances in cases of emergency on his own responsibility. Such ordinances have the same force and effect as a regular law for the space of not more than six months from the date of their promulgation, unless Her Majesty shall earlier signify her disallowance thereof, or unless they shall be controlled or superseded by some law made by the Governor-General in Council at a regular legislative meeting. It is absolutely necessary that the Governor-General should have this power; but it is only used on very urgent occasions.

The existence of such power naturally tends to give the Governor-General an additional weight and authority in Council deliberations. These ordinances, when made, are published in the *Gazette of India*. They have been few in number. The first was made by Lord Mayo in 1869 for the purpose of imposing an additional half per cent. of income-tax; and he made another in the same year to exclude a disturbed portion of territory on the frontiers of the Punjab from the jurisdiction of the Civil Courts. Lord Lytton passed one relating to salt. In 1876 Lord Northbrook made one on an important occasion to put a stop to a scurrilous dramatic representation in one of the Bengali theatres in Calcutta.

### III. THE ADMINISTRATION IN INDIA.

#### I. *The Civil Service.*

The Covenanted Civil Service is the successor and representative of the junior and senior merchants, factors, and writers who were employed for purposes of trade by the East India Company, and whose mercantile denominations were continued long after the occupation of trading had ceased to represent more than a subordinate feature in the Company's operations. The Company's servants were required, before leaving England, to enter into a covenant wherein their privileges were recited and their obligations were defined, and this practice has been continued up to the present time. Hence the term "Covenanted" Civil Service.

Before proceeding to discuss the Statutes relating to the Civil Service, it is advisable to refer to the constitutional declarations regarding the persons who may be employed in the service of the Crown in India. In this matter the Magna Charta of the Natives is contained in section 87 of 3 and 4 Will. IV, c. 85, and in the Proclamation issued by Her Majesty on November

1st, 1858, on the assumption of the direct Government of British India. The Statute enacts that "no Native of India, nor any natural-born subject of Her Majesty resident therein, shall, by reason only of his religion, place of birth, descent or colour, or any of them, be disabled from holding any place, office, or employment under Her Majesty." In a Despatch No. 44, dated the 10th of December 1834, the Court of Directors informed the Government of India that they understood the meaning of this enactment to be, that whatever other tests of qualification might be adopted, distinction of race or religion should not be of the number. The object of the enactment was not to ascertain qualification, but to remove disqualification; a line of demarcation, to some extent in favour of natives, to some extent in exclusion of them, had been maintained; and the Directors declared that the enactment obliterated this line of demarcation, or rather substituted for it another wholly irrespective of the distinction of race, and that thenceforth *fitness* was to be the essential condition for admission to office, and the object to be primarily kept in view was to secure to all classes the benefits of a wise, impartial and efficient administration. The proclamation of 1858 closely followed the terms of the despatch of 1834:—"It is Our further will that, so far as may be, Our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be *qualified by their education, ability, and integrity, duly to discharge.*" The recent Public Service Commission has come to the unanimous conclusion that it could not support any proposal as sound in itself or likely to be a final solution of the problems embraced in its inquiry, which involves a departure from the above principles.

The principle of competition for the Civil Service was first laid down in the India Act of 1853,\* and it was re-affirmed by the Statute of 1858.

Section 32 of 21 and 22 Vict., c. 106 (which transferred the Government of India from the Company to the Crown) enacts that with all convenient speed, after the passing of this Act, regulations shall be made by the Secretary of State, with the advice and assistance of the Civil Service Commissioners, for the time being, for the examination of *natural-born subjects of Her Majesty* desirous of becoming candidates for appointment to the Civil Service of India. Such regulations were to prescribe the age and qualifications of candidates and the branches of knowledge in which they were to be examined. It is also enacted that all regulations made under the Act are to

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\* 16 and 17 Vict., c. 95, s.s. 36, 37.

be laid before Parliament within fourteen days after they are made, or if Parliament be not sitting, within fourteen days after its next meeting. These provisions are still in force, and constitute the legal authority under which rules regarding the India Civil Service Examination are annually issued by the Secretary of State in Council.

It will be seen that only natural-born subjects of Her Majesty are eligible to compete, and the general constitutional declarations are subject of course to this specific provision. It being held by the Legislative Department of the Government of India that the subject of a Native State does not come within this definition, and cannot therefore compete for the Indian Civil Service.\*

The Statute of 1793 (33 Geo. III, c. 52) prescribed that all vacancies in the Civil branch of the Company's Service under the degree of Counsellor were to be filled up from amongst the Covenanted Civil Servants, but the exigencies of the public service rendered it impossible to adhere to this provision, and it had been found necessary to confer many such appointments on other persons, both Europeans and natives, who consisted for the most part of Military or Uncovenanted officers. It was one of the chief objects of the Statute of 1861 (24 and 25 Vict., c. 54) to validate the appointments thus irregularly made. With regard to the future, the principal administrative appointments were enumerated in a Schedule annexed to the Act, and the Act directs that they shall be filled up only from the ranks of Covenanted Civil Servants. An exception to this rule is, however, made in section 3, which permits the appointment to such offices, "under the special circumstances of the case," of persons not being Covenanted Civil Servants, provided they have resided in India for

\* It would appear to follow from this ruling, that the subject of a Native State must be an "alien." But surely this cannot be affirmed. A man must be either a natural born subject or an alien. "Natural-born subjects are such as are born within the dominion of the Crown of England—that is, within the liegeance, or, as it is generally called, the allegiance of the King ; and aliens, such as are born out of it." Blackstone, Bk. i. ch. 10. "An alien is one who is born out of the liegeance of the King." Comyn's Dig. Art. "alien." "An alien is one who is born in a strange country." Bacon's Abr. Art. "alien." Forsyth, Constitutional Law, p. 324. Would the inhabitant of a Native State have to pay the naturalisation fee of Rs. 250 under the Indian Act, XXX of 1852 (an Act for the naturalization of aliens) ? A Native of Hill Tipperah, (Native State) comes to Comillah (British District) and settles there for the purposes of trade, but *animo revertendi*. Would he be disqualified from serving as an assessor or juror ? See Code of Criminal Procedure, section 278. A native of the Hyderabad State and a native of the British District of Bellary go to England together and settle down there. Must the former resort to the procedure prescribed in 10 and 11 Vic., c. 83, before he can become naturalized ?

at least seven years. It is also required that, before any person can be appointed to any office in the Revenue or Judicial Departments specified in the said Schedule, he must pass an examination in the vernacular language of the district in which he is to be employed, and shall also be subject to all the departmental tests and other qualifications and restrictions which are, or may be imposed in the like case on Covenanted Civil Servants. Every such appointment, and the special reasons for making it, is to be forthwith reported to the Secretary of State in Council, and unless his approval, with the concurrence of a majority of members present at a meeting, be notified within twelve months, the appointment shall be cancelled. The offices enumerated in the Schedule are the following :—

1. Secretaries, Junior Secretaries, and Under-Secretaries to the several Governments in India, except those in the Military, Marine and Public Works Departments.
2. Accountant-General.
3. Civil Auditor.
4. Sub-Treasurer.

#### *Judicial.*

1. Civil and Sessions Judges, or Chief Judicial officers of districts in the Provinces now known as Regulation Provinces.
2. Additional and Assistant Judges in the said Provinces.
3. Magistrates or Chief Magisterial officers of districts in the said Provinces.
4. Joint Magistrates in the said Provinces.
5. Assistant Magistrates in the said Provinces.

#### *Revenue.*

1. Members of the Board of Revenue in the Presidencies of Bengal and Madras.
2. Secretaries to the said Boards of Revenue.
3. Commissioners of Revenue or Chief Revenue officers of divisions in the Provinces now known as Regulation Provinces.
4. Collectors of Revenue or Chief Revenue officers of districts in the said Provinces.
5. Deputy or Subordinate Collectors where combined with the office of Joint Magistrate in the said Provinces.
6. Assistant Collectors in the said Provinces.
7. Salt Agents.
8. Controller of Salt Chowkies.

9. Commissioners of Customs, Salt and Opium.  
 10. Opium Agents.

In the Public Service Commission Report it is stated, that only two substantive appointments were made under the Statute of 1861. It is believed, however, that recourse has been had to the statute on more than one occasion in connection with the appointment of military officers to reserved posts in the Foreign Department, and also that temporary appointments of native officers to various judicial posts have been authorized under its provisions when covenanted agency was not available.

*Statutory Civil Service.*

So stood the law until the year 1870, when a more serious inroad was made on the vested interests of the Civil Service and the principle of competition.

Section 6 of 33 Victoria, chapter 3, after reciting the expediency of giving additional facilities for the employment of natives in India, enacts that nothing in the Acts 21 and 22 Vict., c. 106, or 24 and 25 Vict., c. 54, shall restrain the authorities in India from appointing to any office in the Civil Service any native of India "*of proved merit and ability.*" Such appointments are to be made subject to such rules as may be from time to time prescribed by the Governor-General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present. The definition of "natives of India" in this section is of great importance to those Europeans who are domiciling themselves and bringing up their children in India. The term includes any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only. The grammatical wording of this sentence is not as perfect as it might be: still, it is clear that if a European Civil Servant, or Deputy Magistrate, or Police Officer, settles down in India after retirement *animo manendi*, and brings up his children in India, they have as much legal right to be appointed under this section as any pure native.

As regards the nature and effect of appointments under the statute, it was ruled by the Secretary of State in 1883 that the statute does not authorise the appointment of natives of India to the Covenanted Civil Service, but merely their appointment to offices, places or employments which are reserved for Covenanted Civil Servants. Nor does it authorize the appointment of persons who are subjects of native States.\*

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\* See note on page 321.

The various sets of rules framed under the Statute of 1870 may be briefly noticed. Having regard to the words "proved merit and ability," the Government of India naturally inferred that the main condition for appointment should be a certain precedent term of service in the higher ranks of subordinate Government employ. The Law Officers of the Crown, however, were of opinion that the Government of India had placed too narrow a construction on the statute, and the rules were accordingly disallowed. In 1875 revised rules were drawn up by Lord Northbrook's Government and were sanctioned "as a tentative measure." Only one or two appointments were made under them. Revised rules were drawn up by Lord Lytton's Government and sanctioned by the Secretary of State (Viscount Cranbrook) in 1879. These rules provide that a proportion, not exceeding one-fifth of the total number of civilians appointed by the Secretary of State to the Civil Service in any one year, should be natives selected in India by the Local Governments. After some years it was held by many that the plan of nomination had been a failure, and it was generally felt to be a flaw that no antecedent guarantee existed of the fitness of the persons selected. In 1884 it was decided to re-open the question, and the result of doing so was the appointment of the Public Service Commission under the orders of the Marquis of Dufferin. The number of appointments made under the rules of 1879 up to and including the year 1886 has been 48, of whom 27 are Hindus, 15 Mahomedans, 2 Parsis, 2 Sikhs, and 2 are Burmans. The Commission has recorded its opinion that the existing Statutory system has failed to attract to the service men combining high social position with the requisite intellectual and educational qualifications. The Public Service Commission Report is now under the consideration of the Secretary of State.

*Miscellaneous provisions regarding the Covenanted Civil Service.*

As regards appointments and promotions in the ranks of the Civil Service, there seems to be a sort of unwritten law that seniority is to prevail, and Local Governments find it very difficult, and sometimes impossible, to break through this rigid rule. It does not appear to be generally known that there exists written law on this subject. Under sections 56, 57 of 33, Geo. III, c. 52, vacancies in the civil line were to be filled up strictly according to seniority or length of service. This rule, as might have been expected, was found to be most detrimental to the efficiency of the service. Such a rule acts, of course, as a direct incentive to doing the minimum amount of work possible, and as a direct check on energy and hard work.

Accordingly section 7 of 24 and 25 Vict., c. 54, enacted that "sec. 56 of 33 Geo. III. c. 52, and so much of the other sections of the said Act or of any other Act now in force as requires seniority as a condition or qualification for the appointment of Civil Servants to offices, places, or employments, shall be repealed." The rule of seniority has thus been abolished by statute. In the appointment to the commands of regiments, and other important posts in the army, fitness only is looked to; fitness only is looked to by private employers; and yet in the Civil Service of the State seniority is still so rigidly adhered to, that one might suppose the statutory law in favour of seniority was still in force.

The underpaid and overworked civilian of the present period will look back with regret to the halcyon days when it was found necessary or expedient to impose a statutory \* limit, according to length of service, on the amount of salary that a Civil Servant could draw. He must have served for three, six, nine, or twelve years before he could draw a salary of £500, £1,500 £3,000, or £4,000 respectively! A strict adherence even to these restrictions was found to be "impracticable without detriment to the public service, or injury to the just claims and meritorious exertions of individuals." The Act was modified † in favour of the scholars educated at Hertfort College, and by a later statute, ‡ it was enacted that offices with salaries of £1,500, £3,000 and £4,000 per annum might be conferred on Civil Servants who had actually served in India for not less than four, seven, and ten years respectively! But the restrictions of the first mentioned statute still apply to the creation of pluralities. § No one can hold two or more offices, of which the joint salaries or emoluments exceed the prescribed limits. It may be doubted whether the statute has not been infringed on occasions, when Secretaries have performed the duties of Under Secretary in addition to their own duties, or *vice versa*. ||

The same statute contains a safeguard ¶ against the blocking of promotion by an undue number of admissions into the service in any particular year. The section enacts that it shall not be lawful for the Court of Directors to send out to India a greater number of persons in the capacity of cadets or writers, or in any other capacity, than will be necessary to supply the proper complement of officers according to such returns of vacancies as the respective Governments in India

\* 33 Geo. III, c. 52, s. 57.

† 47 Geo. III, sess. 2, c. 68.

|| See Civil Service Regulations, chap. VIII. Any provision in these Regulations, which is antagonistic to any statute, must, of course, be void.

¶ 33. Geo. III, c. 32, s. 59.

‡ 53 Geo. III, c. 155, s. 82.

§ 33 Geo. III, c. 52, s. 58.

shall transmit from thence to the said Court of Directors. There appears to have been a lamentable miscalculation or infringement of the provisions of this section in the years 1861 and 1862.

Under the Act of 1793,\* no person could be appointed or sent to India in the capacity of writer or cadet, whose age was under 15 or over 22 years. In 1837 it was enacted † that the maximum age limit for admission to Haileybury should be 21 years, and for appointment as a writer 23 years. By a subsequent enactment, ‡ the power of determining the age of persons to be admitted to Haileybury or appointed to the Civil Service, was given to the Board of Commissioners for the affairs of India, subject to Parliamentary control. The Regulations framed under the Statute of 1853 were based on the Report of Lord Macaulay's Committee, which recommended 23 years as the maximum, and 18 years as the minimum age for admission to the competitive examination, 25 years being fixed as the latest age at which persons should be permitted to go out to India. The minimum limit for admission to Haileybury College had been 17 years. In 1859, as has been remarked above, the duty of framing Regulations was transferred to the Secretary of State in Council acting with the advice of the Civil Service Commissioners. In 1860 the maximum age for admission to the open competition was lowered from 23 to 22, and in 1866 it was further lowered to 21; in consequence of the introduction of a system whereby the successful candidates were required to pass two years on probation in England; at the same time the minimum limit, which had been 18, was reduced to 17 years. In 1878 the maximum limit was still further reduced to 19 years, and the payment of probationary allowances was made conditional on the candidates passing the two years at some University or College. These age limits are still in force. The Public Service Commission have recommended that, in the case of native candidates, they should be raised to 19 and 23 years respectively. The Commission were precluded from considering the case of English candidates, § but it is to be presumed that the age limits, if altered, will be the same for Englishmen as for natives.

It has been stated above that vacancies occurring in the civil line of the Company's Service were to be filled up from amongst the Civil Servants of the said Company *belonging to the Presidency wherein such vacancies may occur.*|| This section

\* 33 Geo. III, c. 52, s. 60. † 7 Will. IV, and 1 Vict. c. 70, ss. 4, 5.

‡ 16 and 17 Vict., c. 95, ss. 39, 40.

§ Report of the Public Service Commission, 1886-87, para. 62.

|| 33 Geo. III, c. 52, s. 57.

has been amended,\* and to a great extent superseded by later enactments; but the Secretary of State has been advised that the presidential restriction on appointments is still in force notwithstanding 24 and 25 Vict., c. 54. Under the existing form of covenant a Civil Servant cannot be transferred from one Presidency to another without his consent, and it is doubtful whether his consent would make the transfer legal. A Civil Servant may be transferred from the North-Western Provinces to Bengal, or from Bengal to the Central Provinces, as they are all portions of the same Presidency. It is probable that the recommendations of the Public Service Commission will lead to the passing of a comprehensive Constitutional Statute, embodying some further changes in the constitution of the Civil Service.

Although the Commission is not in favour of the statutory system, and has recommended that section 6 of the Statute 33 Victoria, chapter 3, should be repealed, it nevertheless considers that a power of appointment, similar to that conferred by the Statute of 1870, might with advantage be retained for certain limited purposes only. The gist of the Commission's Report, so far as it affects the Covenanted Civil Service, lies in the recommendation, that natives may be appointed to one-sixth of the total number of District Collectorships and to one-third of the total number of District Judgeships. This very sweeping recommendation, it is said, has not commended itself to the Home Government.

## 2. *The High Courts.*†

The High Courts of Calcutta, Madras and Bombay are to consist of a Chief Justice, and as many judges, not exceeding fifteen, as Her Majesty may, from time to time, think fit to appoint. Such judges are to be selected from :—

1. Barristers of not less than five years' standing ; or
2. Members of the Covenanted Civil Service of not less than ten years standing, and who shall have served as Zillah Judges, or shall have exercised the like powers for at least three years of that period.
3. Persons who have held judicial office not inferior to that of Principal Sudder Amin or Judge of a Small Cause Court for not less than five years ; or ;
4. Persons who have been Pleaders of a Sudder Court or High Court for not less than ten years :

Provided that not less than one-third of the judges, including the Chief Justice, shall be barristers, and not less than one-third shall be Covenanted Civilians.

\* 53 Geo. III, c. 155, s. 82,

| † 24 and 25 Vict., c. 104.

As regards the word "barristers," the Government of India has held that it means practising barristers, and not barrister civilians. The words, "the like powers" in the second clause, have been held to include the powers of a Judicial Commissioner. The third clause has been held by the Secretary of State not to apply to Covenanted Civilians.

High Court Judges hold their offices during Her Majesty's pleasure. The Chief Justice takes rank and precedence first, and the other judges according to the seniority of their appointments. Their salaries, allowances, furloughs, retiring pensions, and (when necessary) expenses for equipment and voyage, are fixed, and may be altered from time to time by the Secretary of State in Council.\* When a vacancy occurs in the office of Chief Justice, the Governor-General in Council, or the Governor in Council, as the case may be, shall appoint one of the other judges to perform the duties of Chief Justice until some person has been appointed by Her Majesty. So if the Chief Justice is absent. The judge so appointed need not be a barrister.

On the establishment of the High Courts in 1861, the Supreme Courts and the Courts of Sudder Dewani Adálat and Sudder Nizamat Adálut (known as Faujdari Adálat and Sudder Faujdari Adálat in Madras and Bombay respectively) were abolished.† The fusion of these Courts into the present High Courts will be further discussed below.

#### *Jurisdiction of High Court.*

Each High Court exercises such powers as are specified in the Letters Patent by which it is constituted; and subject to such Letters Patent, and *always subject and without prejudice to the legislative powers of the Governor-General of India in Council*, it may exercise all such powers as were vested in the abolished Supreme and Sudder Courts.‡ All Acts of Parliament or of the Indian Legislature, Orders of Her Majesty in Council or Charters, which were applicable to the Supreme Courts, were to continue applicable to the newly established High Courts, subject, of course, to the legislative powers of the Indian Legislature.§

Section 16 of the statute makes it lawful for Her Majesty to establish a new High Court by Letters Patent for any portion of her Indian territories not included within the limits of the jurisdiction of another High Court. Under this section a High Court of Judicature was established for the North-Western Provinces under Letters Patent, dated 17th March

\* See Civil Service Regulations, Chap. xxiii.

† 24 and 25 Vict., c. 104, s. 8.

‡ *id.* s. 9.

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§ *id.* s. 11.

1866 ; and, as under section 19 the words " Governor-General and Governor" comprehend the officer administering the Government, it follows that the powers which the Act gives to the Governor-General may be exercised by the Lieutenant-Governor in respect of the North-Western Provinces High Court.

High Courts are vested by law with, *inter alia*, the following powers :—

1. The exercise of Admiralty criminal jurisdiction.\* If the offence is not punishable by the law of India, the penal law of England is applied. But the procedure is to be that of the Indian law.† The Admiralty jurisdiction of the Supreme Courts is continued to the High Courts by Section 9 of 24 and 25 Vict., c. 105, s. 9, and by ss. 32 and 33 of the Letters Patent of 1865. ‡
2. Criminal jurisdiction over European British subjects throughout the province for which the High Court is established.§
3. Superintendence over all courts which may be subject to their appellate jurisdiction. They may call for returns, direct transfer of suits or appeals from one Court to another, frame rules of practice and procedure, and prescribe forms for Subordinate Courts, and may settle tables of fees to be allowed to the clerks and officers of Courts. In addition to these powers, High Court Judges may be appointed Commissioners for the purpose of carrying into execution any commission from the High Court of Admiralty in England for the adjudication of prize causes or other maritime questions arising in India. || The Letters Patent, constituting the various High Courts, are subject to the legislative powers of the Governor-General in Council, and also of the Governor-General in cases of emergency under 24 and 25 Vic., c. 67. High Courts are bound to comply with all requisitions made by the Government for records, returns and statements, in such

\* Charter of Justice, dated 26th March 1774. The jurisdiction was extended to the high seas at large by 33 Geo. III, c. 52, s. 156. It was declared by s. 110 of 53 Geo. III, c. 155, that this jurisdiction extended to all persons.

† 33 Geo. III, c. 52, s. 156, and 7. Bom. H. C., 128; also 1 B. L. R. O. Cr. I.

‡ The effect of 12 and 13 Vict., c. 69, s. 23 and 24 Vict. c. 88, s. 1, is to confer this jurisdiction on Mysore Courts also.

§ 13 Geo. III, c. 63, s. 14 : 37 Geo. III, c. 142, s. 10.

|| 39 and 40 Geo. III, c. 79, s. 25.

form and manner as the Government may deem proper.\*

Every High Court has power to direct that its original and appellate jurisdiction shall be exercised by one or more judges, or by Division Courts, constituted of two or more judges. This would be decided by a majority of the judges, but it is for the Chief Justice to determine what judge shall sit alone, and what judges shall constitute the several Division Courts (ss. 13, 14).

The salary of a High Court Judge used to be Rs. 4,166; it is now Rs. 3,750. The Secretary of State has power to alter the salary from time to time, provided that the alteration does not affect the salary of any judge appointed prior to the date thereof.†

*Position of the High Court in relation to the Executive Government.*

In 1780-81 was passed the Statute 21 Geo. III, c. 70 to put an end to the deadlock between the Supreme Court and the Executive Government. The extraordinary proceedings of the Supreme Court and the grossly illegal manner in which it arrogated to itself powers which it did not possess,‡ had thrown the whole Province into terror and confusion. The preamble to the Statute recites how the minds of the inhabitants have been disquieted with fears and apprehensions, and the first section enacts that the Governor-General in Council shall not be subject, jointly or severally, to the jurisdiction of the Supreme Court for any act done by them in their public capacity. By Section 10 of 37 Geo. III, c. 142, the Supreme Courts at Madras and Bombay were debarred from trying any indictment or information (not being treason or felony) against the Governors or any of their Council.§ The exemptions from jurisdiction appear to be the following:—

- (1.) Governors|| and members of their Councils are not subject to the jurisdiction of the High Courts for acts done in their public capacity :
- (2.) They are not liable to be arrested or imprisoned on any suit or proceeding :¶
- (3.) They are not subject to such jurisdiction for common law misdemeanours or offences under statutes.\*\* But

\* Letters Patent of Calcutta High Court, clauses 43, 44.

† 24 and 25 Vic. c. 104, s. 6. | ‡ Mill's History of British India.

§ 13 Geo. III, c. 63, s. 15 contains a similar provision as regards the Governor-General and his Council.

||This would include Lieutenant-Governors and Chief Commissioners.

¶ 39 and 40 Geo. III, c. 79, ss. 2, 3. | \*\* 13 Geo. III, c. 70, ss. 2-4.

apparently the Governor-General could be proceeded against on an indictment for treason or felony.

It may be asked if there is no remedy against acts of oppression or injury committed by the Governor-General or any member of his Council. I shall treat of prosecutions later under the head "Penal Provisions." But an important provision, as to taking and recording evidence, may be noticed here. Any person who considers himself oppressed or injured may make a complaint to the High Court, and if he gives proper security to prosecute the said complaint by indictment, information, or action in some competent Court in Great Britain within two years from the complaint or from the return to Great Britain of the person complained against, he shall be entitled to the production and authentication before the Court of a true copy of the order of which he complains, and to examine witnesses on the matter of the said complaint. The party complained against may also produce witnesses, and the depositions are to be transmitted to England, and are there receivable as evidence.\* Only the Governor-General and Council are mentioned in this statute, and it was held in 1882 that the jurisdiction conferred by this section on the Calcutta High Court over the Governor-General and Council, is not conferred by 39 and 40 Geo. III, c. 79, s. 3, on the Madras High Court over the Governor and Council Madras.† 13 Geo. III, c. 63, s. 39, authorizes the indictment of Governors also, but no provision is made for the anticipatory taking of evidence. The reason seems to lie in the complete subordination of Governors to the Governor-General. An oppressed party may seek the intervention of the Governor-General. The Statute 33. Geo. III, c. 52, enjoins absolute obedience on Local Governments. Again, to quote from the terse and lucid judgment of the Honourable Mr. Hutchins, "the Statute Geo. III, c. 63, s. 9, required Local Governments to keep the Governor-General acquainted with all transactions and matters whatsoever, and would at all events have authorized the Governor-General to call for copies of all the proceedings in case of a complaint to him by any person oppressed by the Local Government. . . . There was then no occasion to confer on the new Supreme Court the extraordinary power given by 21 Geo. III, c. 70, s. 5, and I am satisfied that it was not given by 39 and 40 Geo. III, c. 79, s. 3, while the Letters Patent most certainly did not confer it."

The written order of the Governor-General and Council is a complete justification for any act; and if it be shown that the

\* 21 Geo. III, c. 70, ss. 5, 6.

† In the matter of the petition of John Wallace, I. L. R., 8. Mad., 24.

act done has been done according to the purport of the said order, the defendant is entitled to be acquitted and discharged from every suit, action or process whatsoever, civil or criminal. But the High Court retains full jurisdiction as regards acts affecting European British subjects; nor does the provision exempt the Governor-General and Council, jointly or severally, from suit or process before any competent court in England.\*

It remains to notice some statutory restrictions on the jurisdiction of the High Courts, and the law to be applied by them. These restrictions were necessitated by the extraordinary judicial vagaries of the Supreme Court, which are graphically narrated in the pages of Mill, Shore, Macaulay, Sir James Stephen, and other writers.

*Firstly.*—The High Court has no jurisdiction in any matter concerning the revenue, or concerning any acts ordered or done in the collection thereof, according to the usage and practice of the country. I mention this as a restriction, as I believe it is a correct statement of the law, and it is certainly advisable that the law should be so. A majority of the Madras High Court (Innes and Kernan, J. J.) have held otherwise,† but Chief-Justice Morgan dissented, and the arguments used by him appear to be very weighty. The Supreme Court had not this jurisdiction. The Statute (24 and 25 Vict., c. 104) establishing High Courts of Judicature in India, provides (s. 9) that they shall have and exercise all jurisdiction vested in the abolished Supreme Court, *save as by the Letters Patent may be otherwise directed*. Have the Letters Patent otherwise directed? Sir William Morgan held not. It is true that the 12th section of the Letters Patent gives original jurisdiction to the High Court to determine suits of *every description* arising within certain local limits, but it does not provide for the law to be administered. By section 18 it is ordained that the law or equity of the Supreme Court is to be applied. Sections 18—20, which ordain what law shall be administered by the High Court in civil cases do, in effect, preserve the laws of the old tribunals for the cases which would previously have been governed by them. It will be seen from the report of the case that even Mr. Justice Kernan was of opinion that the exception in the Charter of 1800 was in force as regards *land* revenue, at the passing of 24 and 25 Vict., c. 104, and the grant of the charter thereunder. This subject is one of great importance to the Indian administration. Its adequate treatment would require a separate article. Suffice it to say here, that the administration has been much hampered

\* 21 Geo. III, c. 70, ss. 2, 3, 4.

† Collector of Sea Customs *v.* P. Chitambaram. I. L. R. 1. Mad. 89, See also 11 B. L. R. 250.

by the tendency to follow the constitutional law of England rather than the *droit administratif* of continental countries, where the acts of executive officials are only liable to be called in question before executive courts (*tribunaux administratifs*).\*

*Secondly*.—The law to be administered in cases of inheritance and succession must be that of Mahomedans or Gentoos, according as the parties are Mahomedans or Gentoos, or where any one of the parties is a Mahomedan or Gentoo, the law and usages of the defendant.† This provision is an express recognition of Warren Hastings' rule contained in the first Regulation enacted by his government for the administration of justice. Section 27 of the Regulation, which was passed on the 17th April 1780, enacted "that in all suits regarding inheritance, marriage and caste, and other religious usages and institutions, the laws of the Koran with respect to Mahomedans, and those of the Shasters with respect to Gentoos, shall be invariably adhered to.‡"

*Thirdly*.—The rights and authorities of fathers of families and masters of families, as the same might have been exercised by the Gentoo or Mahomedan law, are to be preserved to them respectively within their families; nor shall any acts done, in consequence of the rule and law of caste respecting the members of the said families only, be held and adjudged a crime, although the same may not be justifiable by the laws of England.§

Of course the Penal Code and other Acts have made considerable inroads on these principles: but so far as they have not been superseded or affected by direct legislation, the Courts are bound to respect these principles.

\* There are traces of a *droit administratif* in India. See sections 132, 144, 197, &c., Code of Criminal Procedure. In other Provinces the jurisdiction of the Civil Courts in revenue matters has been ousted to a far greater extent than in Lower Bengal, where English law influences are more predominant. As regards Bombay, see "the Bombay Revenue Jurisdiction Act," X of 1876, ss. 1, 4, 6. Section 158 of the Panjab Land Revenue Act, XVII of 1887, excludes the jurisdiction of the Civil Courts—See also s. 75 *segg.* of the Panjab Tenancy Act. As regards Oudh, see the Oudh Rent Act, XXII of 1886, s. 108. For Central Provinces, see section 152 of Act XVIII of 1881. For Burmah, see Act II. of 1876, s. 56. The necessity of a *droit administratif* for India will be discussed in a separate article.

† 21 Geo. III, c. 70, s. 17. The section also mentions "matters of contract and dealing between party and party," but this portion is superseded by the Contract Act.

‡ This principle has been uniformly adhered to in subsequent legislation; see Act VI of 1871, s. 24, repealed by and re-enacted in Act XII of 1887, s. 37. See also the Charters of the various High Courts. See also the Civil Courts Acts for all Provinces.

§ 21 Geo. III, c. 70, s. 18.

These two principles may be denominated non-interference with the *patria potestas*, and non-interference with caste. As to the first, we know that slavery was not abolished in India till 1843. Even to this day Magistrates find lingering traces of it in the Mofussil. The Penal Code, as originally framed in 1838, did not venture to go further than to insert an explanation to the general exception, dealing with justification by law, to the effect that no act, which would otherwise be an offence, should be justified as punishment on a legal slave. By Act V of 1843 it was enacted that no public officer should sell, under any decree of Court (a) any person, or (b) the right to the compulsory labour or services of any person, on the ground that such person is in a state of slavery; also that no rights arising out of an alleged property in the person and services of another as a slave, should be enforced by any Court. The same Act provides that no person shall be dispossessed of his acquisitions on the ground of slavery, and that any act which would be a penal offence, if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery. Finally, section 370 of the Penal Code makes it an offence, punishable with seven years imprisonment, to buy or dispose of any person as a slave. The Act of 1843 is not in force, *proprio vigore*, in the Scheduled Districts,\* and there are some Scheduled Districts to which it does not appear to have been extended, for instance, the Chittagong Hill Tracts, the Sontal Pergunnahs, and the Scheduled Districts of the Madras Presidency.†

The exemption in favour of acts done in consequence of the rules of caste is repeated in section 12 of 37 Geo. III, c. 142. It will be seen from the statutes that the exemption extends only to acts done "respecting the members of the said families," that is, to acts done by the father of the family, and possibly by one member of a family towards another. The object of the law is stated to be regard for the religious as well as the civil usages of the natives. This being so, it seems open to question whether it would be an offence for the head of a family to compel a minor member of it to undergo some religious atonement or penance, no matter how revolting to European ideas. In a recent case before the Allahabad High Court,‡ one Sarat Chunder Chakrabarti applied for the custody of his younger brother Sotya Charan, who had become a Christian. The latter stated in his petition that he

\* See Act XV. of 1874.

† *Quære*—Might not the existence of hereditary serfdom or slavery (apart from buying or selling) be legally recognized in these tracts?

‡ Reported in the *Pioneer* of 22nd April 1889.

had been compelled to eat a mixture of cow's dung and urine. Would this be a criminal offence? The chapter of general exceptions in the Penal Code contains no section relating to caste. If Sotya Charan were over 12 years of age, it apparently would be an offence (sec. 89 Penal Code), as section 92 would not be applicable to the case. It may be said that the Statutes of George III have not been repealed. But are they "affected" by the Penal Code? Possibly they are, as section 5 of the Code states, that "nothing in this Act is intended to repeal, vary, suspend, or affect any of the provisions of the Statute 3 and 4 William IV, chapter 85, or of any Act of Parliament passed after that Statute, in any wise affecting the East India Company, or the said territories, or the inhabitants thereof." If, then, the minor member of the family were over 12 years of age, the act above alluded to would seem to be "criminal force" (s. 350).

But caste and religious usages are inextricably mixed, and having regard to the Statutes of George III, and to the legislation of 1793, it might perhaps be fairly argued that the Courts have not given sufficient consideration to the constitutional principle of non-interference with acts *bona fide* done in the exercise of caste authority or the *patria potestas*.\* But the question is beset with difficulties. Section 79 of the Penal Code states that "nothings is an offence, which is done by any person who is justified by law." Are constitutional principles underlying old statutes (passed prior to 3 and 4 Will. IV, c. 85) to be considered in the administration of the Penal Code? They probably should be considered, so far as they have not been expressly or impliedly repealed, and are not repugnant to natural justice or the dictates of good conscience. It may be said that this is a loose and vague dictum, but unfortunately the law is often uncertain. In a case † of defamation under the Penal Code, Straight J. justly remarked:— "No court could wish to interfere with those domestic rules

\* In "La Cité Antique," Fustel de Coulanges has well pointed out the resemblance of the Hindu to the Greek and Roman Law as regards the power of the father or the husband. A woman could never have a religious hearth of her own : she could not be the Chief of a cult. In Rome a woman lost the title of *materfamilias* directly her husband died. The word *pater* denoted, not paternity, but authority. The father was the absolute Magistrate in the family. Women were not triable by the State, but only by their fathers or husbands. Subsequently, we know from Tacitus and Plato, the father consulted the whole family in his adjudications. Both in Rome and Athens the husband could kill his adulterous wife, and a father could sell a dishonoured daughter into slavery. Aulus Gellius, X., 23; Valerius Maximus VI, 1, 36; Plutarch, life of Solon, 23: Schol. ad Horat. Sat. II, 7, 62. See also Penal Code of China, 285.

† I. L. R. 3 All. 342, 664.

and laws, which regulate and control the relations between the members of a caste. On the contrary, the tendency would rather be to countenance and protect them." That the Legislature does not desire to stereotype caste, or to encourage suits in connection with it, may be inferred from the fact that suits for compensation for loss of caste may not be brought *in forma pauperis*. \* In 1850 it was enacted † that so much of any law of usage as inflicted on any person forfeiture of rights or property, or affected his right of inheritance, by reason of his renouncing, or having been excluded from the communion of any religion, or being deprived of caste, should cease to be enforced in any Court. Still it is the general rule that, in questions regarding caste, the Civil Courts are bound to apply the Hindu or Mahomedan Law, except in so far as such law has been altered or abolished. ‡ In the Reports of the Sudder Dewani Adalut, there are some curious cases regarding caste and caste rights, and rights connected with religion. The head of a sect sues for the exclusive privilege of being carried cross-wise in a palanquin down a road; another man claims the exclusive privilege of painting his elephant a certain colour. But it may be questioned whether these claims are more absurd than some which may be met with in Phillimore's Ecclesiastical Law? As to caste, suits have been entertained for loss of character, arising from not being invited to a caste feast, § and in the Bombay Reports || there is an instance of an action for damages for a "malicious expulsion from caste." But the tendency now-a-days is not to entertain such cases. ¶ British Courts in India have no easy task. They should not ignore or trample on customs beloved of the masses, while they must take care not to recognize, and so stereotype and perpetuate usage which is bad, as being contrary to good policy, to justice, equity, or good conscience.

#### *Advocates-General.*

Under the head of the High Courts, it will be convenient to notice the provisions of certain statutes which relate to the office of Advocate-General.

\* Act XIV of 1882, s. 402.

| Act XXI of 1850, s. 1.

† See, as regards Burmah, Act XVII of 1875, s. 4; Oudh—Act XVIII of 1876, s. 3; Madras Act III of 1873, s. 16; Bengal, N.W. Provinces and Assam—Act XII of 1887, s. 37; Punjab—Act IV of 1872, s. 5; Central Provinces—Act XX. of 1875, s. 5. It is noteworthy that the Acts relating to the Central Provinces and the Panjab do not mention "caste" but only "any religious usage or institution." *Quare*, is this intentional or merely loose drafting?

‡ Moore's Indian Rep. ii, 479.

|| I Bom. Rep. pp. 11-35. Dharmchand v. Goolachand. See Strange's Hindu Law, i, 161. | ¶ See I. L. R. 2 Bom. 470; 10 Bom. 661.

The first mention I can find of these officers is in 53 Geo. III, c. 155, s. 111, which empowers them to file "informations in the nature of actions at law or bills in equity" for any debts due to the Crown, or against any persons in respect of such debts, in the same way as the Attorney-General is authorized to proceed in England." The Attorney-General frequently appears on behalf of the Inland Revenue Commissioners to enforce customs or excise penalties.

By section 29 of 21 and 22 Vic., c. 106, it was enacted that the appointments of Advocate-General for the several Presidencies, now made with the approbation of the Commissioners for the affairs of India, should be made by Her Majesty by warrant under Her Royal Sign Manual. These officers are additional members of Local Legislative Councils (24 and 25 Vic., c. 67, s. 29).

Under clause 24 of the Letters Patent of the Calcutta High Court, 1865,\* the High Court has extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the said High Court, and has authority to try, at its discretion, any such persons brought before it on *charges preferred by the Advocate-General*, or by any Magistrate or other officer specially empowered by the Government in that behalf. Moreover, the High Court may review any Criminal judgment or sentence of one or more Judges of the High Court, exercising original criminal jurisdiction, on its being certified by the Advocate-General that, in his judgment, there is an error in the decision of a point or points of law, or that a point which has been decided should be further considered.

The Advocate-General in Bengal seldom or never appears to enforce penalties in fiscal proceedings. In England there is a virtual appeal in such cases from acquittals by a Justice of the Peace, and it would be a good thing for the revenue, if Advocates-General in India sometimes applied to the High Court to enhance inadequate penalties for breaches of excise laws, or appealed on behalf of the Local Government against any improper acquittals, both in such cases and in criminal cases of importance.

The Advocate-General in Bengal sometimes appears in cases and proceedings against Government Officers. Such a practice seems to be anomalous and inconsonant with the duties and

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\* The Letters Patent of the other High Courts contain similar provisions.

position of a law officer of the Crown. The Advocate-General in Calcutta is under the Government of India as well as that of Bengal ; and a dual control sometimes means an absence of control.

No doubt the position of the Advocate-General differed at one time considerably from that of the Attorney-General in England. It was queried in one case,\* whether the Advocate-General of the Supreme Court represented the Attorney-General in England, and in another case,† Grant, J. expressed his opinion that the Advocate-General does not represent the Crown *ex officio*, to the same extent as the Attorney-General in England. These rulings were given in 1835 and 1836, but since 1858 Advocates-General are appointed by Her Majesty ; their official position has been amplified in the Letters Patent of the High Courts, and their duties have been carefully defined in rules framed by the Government of India. There are two cases relating to the functions of the Advocate-General in Moore's Reports. In one, the Advocate-General of Bengal brought a suit for the property of a suicide as forfeited to the Crown. In the other,‡ it was held that the Advocate-General is competent to represent the public by virtue of his position as principal law officer of the Government ; that, under the statute above referred to, he is entitled to appear to represent the Crown in informations for the administration of charitable funds. The Madras Supreme Court had ruled that his right to appear was confined to matters involving pecuniary interests, and did not embrace those functions which the Attorney-General discharges for the purpose of enforcing the prerogatives belonging to the Sovereign as *parens patriæ*. The Privy Council did not agree in this opinion ; they thought the Advocate-General should be as vigilant in the interest of Government as the Attorney-General is in England. In a suit for a management of a religious endowment (I. L. R. 3 Cal. 563) it was held by Garth, C. J. and Markby, J. that the Advocate-General is not a necessary party to such suits, though, such suits being of a public character, it is extremely desirable that they should be brought with his consent. The attention of the Court does not appear to have been drawn to the case reported in 9 Moore I. A. 387.

Having regard to the peculiarities and exigencies of Indian administration, it seems highly desirable that the Advocate-General should be a whole-time officer, that is, that his whole time

\* *Pogose v. Pegose*, 25th Nov. 1835 ; Mor. 282.

† *The Martin Case*, 10th May 1836 ; 1 Fulton 257.

‡ 4 Moore I. A. 190 ; 9 Moore I. A. 387.

should be at the disposal of the Crown. It is impossible to over-estimate the amount of money which an able and vigilant Advocate-General might save or gain for Government. The appointment of a barrister civilian has before now been advocated. Such an officer would devote his whole time and energies to the interests of Government to the immense advantage of the administration in general and of the revenue in particular. But the objections to such an appointment are, that the Advocate-General should be the recognized leader of the bar, and as such, have weight with the profession, and that the Government should retain for the contingency of any State trials, an officer who would be able to cope with the best forensic talent employed on the other side. As to this objection, it may be answered that Government can always afford to employ the best available forensic talent.

### 3. Ecclesiastical Establishments.

The first provision for any church establishment is to be found in the Charter Act of 1813.\* This Act empowered His Majesty to constitute by his Royal Letters Patent, one bishopric and three archdeaconries (for Bengal, Madras and Bombay,) and the Court of Directors were to pay them certain established salaries. The Secretary of State in Council may now † fix and alter these salaries. A single bishopric was found to be too large for one incumbent, and the Charter Act of 1833 ‡ authorized the formation of two separate bishoprics for Madras and Bombay, and the payment to the bishops of 24,000 sicca rupees per annum each, such salaries to be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever. The bishops exercise all such ecclesiastical jurisdiction and episcopal functions as are directed by the Royal Letters Patent. The Sovereign may, from time to time, vary the limits of the episcopal dioceses and of the archdeaconries. The Bishop of Calcutta is deemed to be the Metropolitan Bishop in India, and the Bishops of Madras and Bombay are subject to him, and, at the time of their appointments, have to take an oath of obedience to him. At the same time the Bishop of Calcutta is himself subject to the general superintendence and revision of the Archbishop of Canterbury. § All the expenses of the Bishop's visitations are to be paid out of the Government revenues. Archdeacons are not to receive a salary exceeding 3,000 sicca rupees per annum ; and the total expense in respect of all the Bishops

\* 53 Geo. III, c. 155, s. 49.  
† 43 Vict., c. 3, s. 3.

‡ 3 and 4 Will. IV. c. 85, ss. 89, 90.  
§ id. ss. 93, 94.

and Archdeacons is not to exceed 120,000 sicca rupees per annum.\* Two of the chaplains maintained at each Presidency are to be ministers of the Church of Scotland ; and nothing is to prevent the Governor-General in Council from granting, from time to time, with the sanction of the Secretary of State, to any sect, persuasion, or community of Christians, not being of the United Church of England and Ireland, or of the Church of Scotland, such sums of money as may be expedient for the purpose of instruction, or for the maintenance of places of worship. †

The Bishops of the various dioceses have power to admit to holy orders such persons as they deem duly qualified.‡

The Bishop of Calcutta gets an outfit allowance of £1,200 (if in the United Kingdom at the time of his appointment), a salary of Rs. 3,831 Government rupees per mensem, and a pension of £1,500 after ten years' exercise of his office. If he resigns his office in consequence of illness or infirmity, he gets £1,000 a year after seven years service, or £750 after five years service. But he gets no pension if he resigns for some other cause than illness. The Bishops of Madras and Bombay get Rs. 2,133-5-4 per mensem, an outfit allowance of £500, and a pension of £800 a year after fifteen years' exercise of their office in British India. § Archdeacons get Rs. 266-10-8 in addition to the salary of a senior chaplain, and outfit allowance of £500, and £800 pension after ten years service in British India as Archdeacon. As regards leave of absence on furlough or medical certificate, Her Majesty may make such rules from time to time as may seem to Her expedient.|| If either the Bishop of Madras or the Bishop of Bombay acts for the Bishop of Calcutta, he is entitled to get, in addition to his salary, an additional annual allowance of Rs. 10,000 per annum.¶ As regards chaplains, the Secretary of State may, from time to time make, alter, or repeal regulations regarding them, their pay and pension.\*\* Chaplains are not debarred from taking fees in the way of their profession only.††

It has often been urged that the Government should not maintain an established Christian Church in a country in which the large majority of the population are Hindus or Mahomedans. But it is forgotten that the Government has

\* 3 and 4 Will. IV, c. 85, s. 101. | † id. s. 102. | ‡ 4 Geo. IV, c. 71, s. 6.

§ 53 Geo. III, c. 155, ss. 49, 89; 55 Geo. III, c. 155, s. 54; 4 Geo. IV, c. 71, s. 3; 6 Geo. IV, c. 85, ss. 15, 16; 3 and 4 Will. IV, c. 85, ss. 89, 96, 101.

|| 34 and 35 Vict., c. 62.

¶ 5 and 6, Vict., c. 119, s. 4.

\*\* 4 Geo. IV, c. 71, s. 4.

†† 33 Geo. III, c. 52, s. 64.

left revenue-free millions of acres of temple lands set apart for the service of the Hindu or Mahomedan religion, and all over the country may be found tenures known as Dewutter, Brahmotter, Pirotter, Pirpál, Boishtomotter, &c. It is only large military stations, and a few of the largest civil stations, that have chaplains attached to them. There are hundreds of small stations all over India, in which Government makes no provision whatever for the spiritual wants of the Christian community.

H. A. D. PHILLIPS.

[*To be continued.*]

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## ART. VII.—THE VOYAGE TO INDIA IN THE EIGHTEENTH CENTURY.

SIR GEORGE BIRDWOOD has unearthed, for the benefit of readers of the *Athenaeum*, an interesting letter descriptive of the outfit considered necessary for an eighteenth-century lady or gentlewoman, to use the grand old-world phrase,—about to visit India. As a pendant to the picture there given of the outward voyage, from a feminine point of view, I will narrate the experiences of a “Johnny Raw” of that epoch, in the course of taking the same leap in the dark. My story is based on numerous authorities, such as the memoirs of Major David Price of the Honorable East India Company’s Service, who died full of years and honours in 1835, and on a curious guide-book of a generation earlier, entitled the *East India Vade Mecum*.

Writers and cadets generally came of well-to-do and even wealthy folk ; and we are told that as much as £3,000 was often paid *sub rosa* for a nomination to the Company’s Civil Service. They were still more frequently scions of Indian families ; and relatives were prodigal of advice and more material assistance. For them the preparations for the voyage presented no terrors. The deft fingers of mothers and sisters were busy for months beforehand in making up the Young Hopeful’s outfit. But the despised free-lance, the “interloper” in embryo, was fain to place himself in the hands of one of the outfitting firms that swarmed in the purlieus of Leadenhall Street ; and might deem himself lucky if not called on to disburse £300 or more on an assortment of goods sufficient to stock a tolerably large shop. In return for the griff’s patronage, the worthy tradesman undertook to “show him the ropes,” which were numerous and complicated. The choice of a ship was his first care ; and here he was practically restricted to the Company’s fleet. For those were times when war was the rule and an armed truce the exception. To embark on a non-chartered vessel was to court capture by the French privateers which haunted the Bay of Biscay and harried our commerce in Indian seas. The Indiamen, as those splendid vessels of 1,200 or 1,500 tons were called, carried 20 to 30 guns, and crews nearly as numerous and well disciplined as those that manned His Majesty’s ships of war. The authorities at the India House would, if applied to personally, furnish a list of probable sailings. March and April were

the favourite months for leaving England. The voyage to Calcutta averaged six months in duration ; and ships arriving at Madras after the beginning of October, were met in the Bay by the monsoon, and forced to stretch across to Achin Head : thus losing six weeks of the precious cold weather. Having selected a ship in this list, the intending passenger applied to the Secretary of the East India Company for a license to proceed to India, and an order directing the Captain to receive him on board. Armed with these credentials he paid a visit to the vessel of his choice at her Gravesend moorings. She would probably be the nucleus of a fleet of lighters carrying cargo and livestock in the act of being transferred to her capacious hold by sheer manual labor. In all externals she resembled a man-of-war : the same towering sides, streaked with white and bristling with two tiers of port holes : the same stern, bright with gilding, and reflecting the dancing waves in a double range of windows. To find the purser in the tumult was no easy task ; and still less the negotiations for a cabin. The after-part of the vessel contained the pick of the passenger accommodation. It consisted on the upper deck, of a lofty poop, the top of which was sacred not, as at a later date, to promenade and lounge, but to the Captain's live stock. The poop contained the state-room, or Captain's cabin, an apartment 16 feet square, on the starboard side communicating by a glass door with the quarter deck—that portion of the upper deck between the poop and the mainmast. On the larboard, or as we should say port side of the poop, was the cuddy, answering most of the purposes of a saloon. Abaft was situated the round-house, which was lit by the upper tier of stern windows, and communicating with the highest of the two galleries which graced that part of the vessel. The round-house was considered the ladies' saloon ; but in a very crowded vessel it was divided off into private cabins, or devoted to the baser uses of a dining room. The corresponding space on the gun-deck below was occupied by the Great Cabin, which like the round-house, gave on a gallery, and received its light from a tier of stern windows. This was the West End of the floating city, coveted by all whose purses were long enough to purchase its partial or exclusive possession. It was usually divided into eight or 10 "slips," each provided with a stern window, and measuring 14 feet by 6. In piping times of peace the interior partitions were of solid oak fitted with doors ; but when the dogs of war were loose the divisions were of canvas, capable of being rolled up in a trice and fastened to the bulkhead above, when the decks were cleared for action. The round-house, when devoted to passenger accommodation, and the Great Cabin were the perquisites of the

Captain, and a "slip" in either cost at least £250. On the homeward voyage it occasionally happened that the whole of the Great Cabin was monopolized by a Nabob who had shaken the Pagoda Tree to excellent purpose; and such persons sometimes paid £2,500 for the privilege. To passengers of moderate means the first, second and third mates, whose cabins were situated in the waist forward of the Great Cabin, were ready to cede similar slips at £4 or £5 per square foot—about £150 in all. It should be borne in mind that these terms included all messing expenses. Tenants of the Great Cabin and round-house were guests of the Captain whose table was spread in the cuddy, while those who accepted the mates' hospitality, dined at a second table in a canvas enclosure on the gundeck forward, which was supplied by subscription amongst the hosts, and, save in the matter of live stock, was as well furnished as the skipper's. Accommodation still further forward, and exposed to whiffs of villainous air from the forecastle, could be had at cheaper rates from the gunner, carpenter and the tribe of petty officers; but passengers who elected quarters there were treated much as those of the second class are now-a-days, and were cut off from the cheerful ways of the quarter-deck. Having chosen a berth to his mind, and paid a deposit of twenty-five per cent. on the fare, our griff's next operation was to furnish his cabin. His bed was a matter of the first importance; for thereon largely depended the comfort of the voyage. Long chairs were unknown, and the sight of one on his quarter-deck would have given the Captain a fit of apoplexy. Passengers usually grew heartily sick of one another's company before the voyage was half over: and as deck-lounging was not be thought of, their only escape from boredom was dozing and reading in bed. Should this blissful retreat take the guise of a swinging cot, or of a standing bed-place? The former was an oblong case of canvas, its bottom stretched over a wooden frame, its sides 18 inches deep, swinging by ropes attached to hooks screwed into the bulkheads. Few cabins were spacious enough to allow of a cot swinging freely lengthwise (query, is not this the origin of the phrase "room to swing a *cat* in"?). Sore were the bumps encountered by a recumbent frame when the good ship was rolling in a heavy swell: but on the other hand the cot minimized the motion and lulled its occupant into a sweet sleep. On the whole, however, a standing bed-place was preferable: and it was usually furnished with stout baize or shaloon curtains. A toilet service of pewter, the jug in the form of a bottle; and perchance a hanging book-shelf, completed the Spartan equipment of the cabin.

We now come to the question of personal outfit ; and in dealing with it, the novice was handicapped by the fact that Calcutta tradesmen expected exorbitant profits ; and stuff of all kinds rapidly deteriorated if stored in an Indian climate. Hence he was obliged to burden himself with a wardrobe sufficient to meet the demands of several years' wear and tear. It included the following articles, which were regarded as the irreducible minimum :—

Four dozen fine stout calico shirts.

Two dozen extra superfine ditto.

Four dozen under shirts of chequered calico, made with sleeves, and reaching to the hips : contrived to pay the double debt of night shirt and undervest.

Two broad-cloth coats.

Two ditto of camlet or other light stuff.

Two pairs milled broad-cloth, or wove worsted pantaloons.

Two ditto of corduroy or "aleppine."

Two woollen waistcoats.

Two dozen ditto, and breeches to match of fine Irish linen.

One dozen pairs of worsted half stockings for wearing with the pantaloons.

Three dozen cotton half hose.

Two dozen long cotton stockings.

Half dozen short-wove cotton drawers.

Four dozen small white cotton handkerchieves with narrow border.

Thus far the outfit for board ship wear : those on the following list were to be packed separately for India.

Two best coats, with waistcoats of fine kerseymere.

Two pairs of breeches of the finest white kerseymere.

Two round hats (*i.e.*,) hats without the peculiar eighteenth century "cock."

Four pair of boots and two of shoes.

(Leather goods in India were neatly finished : but tanning was little understood, and the first wetting often reduced them to a pulp.)

Four of the largest double milled blankets were necessary for the cabin cot : and, rightly or wrongly, they were supposed to give coolness to the Indian bed if spread on its surface. Item, a dozen ell-wide sheets of fine hempen cloth, eleven feet long, with pillow-cases to match, of fine Irish linen. Further, a horse-hair mattress, 6 feet by 2, to fit the cabin cot or bed-place. Table linen and towels were the only domestic articles that were manufactured in India : but 4 dozen of the latter must be taken. The griff who made a point of personal cleanliness was advised to lay in 30 lbs. of patent soap, for use with salt water. This would also serve as a *quid pro quo* for little services on board in the matter of bed-making and boot-cleaning. Soap, strange to say, was more appreciated by the jack tar of the period than tobacco : for smoking was sternly discouraged on board the old Indiamen. A canteen

fitted with plate for half a dozen, and knives to match : and an assortment of cutlery, including instruments for scaling the teeth, completed this heterogeneous outfit. The whole was packed in half a dozen or more leather trunks, well clamped with brass : one of which graced the cabin, while the rest were relegated to the after-hold, whence a general luggage delivery took place once a week. Having furnished his cabin and sent his heavy baggage aboard, the intending passenger left his address with the purser, who would send intimation of his departure to join the vessel after receiving the mails from the India House. Not a moment was then to be lost in travelling by mail-coach or post-chaise to Portsmouth whither the gallant vessel proceeded, on leaving the Nore, to wait for convoy. Many a career was wrecked by half an hour's delay in lingering adieu. A more unfeeling set of scoundrels existed nowhere than the boatmen who plied at our southern ports. The youngster who arrived, as many did, on the beach only to see his ship spreading her white wings to favouring breezes, got scant sympathy from these harpies. To catch the retreating vessel if she could be overhauled at all, would cost him his whole available cash, with watch, chain and jewellery thrown in. Oftener, however, the passenger found the good ship wind bound : and might encounter a weary delay of several weeks, during which he was forced to live, neither well nor cheaply, at a Portsmouth hostelry. But I will suppose him safe aboard ; and the gallant fleet of which his ship is a unit weighing anchor in response to a gun from the Commodore. His depression at leaving all he loved in life was speedily conjured away by the contemplation of a spectacle such as the world will never see again. Steam has robbed navigation of half its charm by extinguishing the romance of sea life : and the finest floating palace of to-day would compare but poorly, in grace and beauty, with England's wooden walls of old. A more impressive spectacle than a great fleet under full sail cannot be conceived : and to witness it went far to compensate for the tedium of an Indian voyage. "On the memorable 15th day of March 1781," writes Major Price, whom I have already mentioned, "we finally set sail from England, and certainly the aspect and splendid sight presented to our observation is not easily to be forgotten : for we were accompanied by the grand fleet intended for the relief of Gibraltar under Lord Howe, and by other squadrons destined for America, the West Indies, the Cape of Good Hope, and the East ; comprising, as was calculated, not less than fifty sail of the line, and between two and three hundred merchant-ships and transports of the largest class. The men-of-war, from those of the first-rate to those of fifty guns and frigates,

passing successively within biscuit-throw of the Indiamen in the narrow space between Southampton water and the north of the Isle of Wight, exhibited every moment such examples of skill and precision, as appeared almost magical in the management of their sails and yards, such, indeed, as was even then unrivalled among the nations." As the cliffs of Wight, with their crown of emerald mead, slowly receded from view, our novice turned his attention to the internal economy of his floating home. The omnipotent skipper must first be propitiated by a formal visit. Now, we have, most of us, come across specimens of the genus who entertained fully adequate notions of their own importance: but unless my readers have seen the Captain of an Indiaman in the old exclusive days on his own quarter-deck, they can from no conception of the lengths to which human pride can be carried. Tiberius in receipt of divine honours from the Roman Senate, Alexander entering Babylon in triumph, Louis XIV giving audience to a successful General in the Gallery of Mirrors, Napoleon the cynosure of a theatre full of kings at Erfurt—to these, and these alone must our skipper be compared. Wealthy almost beyond the dreams of avarice; the repository of unquestioned authority over every soul on board; *ex officio* guardian to the lady passengers: a father to unruly writers and cadets, courted by all from the Member of Council to the powder monkey, the Captain's position was one which men of far higher social rank might well have envied. "The gentlemen commanding under the auspices of the East India Company," says the awe-stricken author of the *Vade Mecum*, "are men who have seen much of the world, and who rarely fail to appreciate the marks of attention and respect that flow voluntarily from persons with whom they have dealings." Stewards were still in the rudimentary stage. The only official bearing that title on board, was the Captain's body-servant, who shared in the veneration attaching to his chief. Our griff was solemnly warned to make friends with this personage, on whose good will so much of the comfort of the voyage depended. The services rendered by the confraternity now-a-days were performed, after a fashion, by a few men and boys who were excused duty on board to enable them to attend on passengers. If this assistance failed, the mates who had not yet blossomed out into first, second, &c., officers, each had a servant who was willing, for a consideration, to clean boots, brush clothes, and empty basins. The douceur was 3 or 4 guineas, *plus* a few pounds of sea soap, or perchance "pigtail" tobacco for chewing. The next point was to ascertain the daily routine, and the unwritten code of laws which regulated board-ship life.

The most important was one which compelled every person to touch his hat when stepping on the quarter-deck from the gun-deck or cuddy. The windward side of the sacred enclosure was reserved for passengers and superior officers, and it was a breach of etiquette to promenade elsewhere. The fragrant hookah could only be indulged in among the humours of the reeking foc'sle : and other forms of inhaling the breath of the divine weed were not permitted under any circumstances. The use of a naked light in one's cabin was an offence punishable with confinement in irons. Passengers abaft the quarter-deck were considered guests of the Captain, and had a right to seats at the cuddy-table, where, if unusually numerous, they took their meals by re-lays. At 8 A. M. the ship's bell on the forecastle gave the signal for breakfast, which consisted of excellent but milkless tea and coffee, hot rolls, biscuit, and butter of the consistency of liquid honey. The dinner hour, 2 P.M., was announced by the "Roast Beef of Old England" on the drum with fife accompaniment, which too often told a flattering tale. But youthful digestions aided by a 6 hours' fast, and the ozone-laden sea air were not disposed to be critical ; and the cuddy bill of fare was wonderfully varied. For the first week or two fresh meat was given daily, the produce of carcasses shipped in port. When the supply was exhausted, the piece of resistance was a round of corned beef or a leg of salt pork of prime quality ; this was balanced at the bottom of the table by a pair of fowls or ducks, or a goose from the Captain's farm-yard on the poop. Ham, tongues, potatoes, rice and preserved vegetables filled up the intervals. The first course was succeeded by a great variety of pies, puddings and custards, and these by a dessert including the thirst-provoking olive, and the preserved ginger so stimulating to the digestive organs. I am writing of days when a moderate consumption of alcohol in the guise of generous claret, or still fuller bodied port, was the exception. But on ship board, the redoubtable Captain was, for obvious reasons, disposed to check consumption. Ladies might indulge in a couple of glasses of port or Madeira at table : but ale or porter must content the sterner sex. In very hot weather, that now-extinct beverage, spruce beer, was brewed in large quantities, and served to the crew in the proportion of half a gallon a head. It should be noted that the drinking water was the produce of Father Thames, which was only partially freed from contamination by being passed through a porous medium called a drip-stone. The removal of the cloth was the signal for the ladies' departure to the round-house or the privacy of their cabins : and then decanters of port, sherry and Madeira were put about with tolerable freedom. Punch,

too, was brewed from old arrack, and from limes hanging in nets from the stern galleries. But after two or three tours of the bottle, the Captain was wont to wish his guests good afternoon, which was accepted as a hint for an immediate break-up of the symposium. Tea, a replica of breakfast, was drunk in the cuddy at 6 P. M.: and at 9 the party re-assembled for supper. This consisted of biscuits and cheese, rasped beef, sago-soup, and lobscoûse—a sort of nautical olla podrida. At 10 P. M. the vigilant quartermasters "dowsed every glim" below: and each swinging cot or standing bed-place held its inmate. The intervals between the meals were beguiled by promenades on the windward side of the quarter-deck. Here, too, youth and beauty tripped in the merry country-dance when the good ship was steady, and the shades of evening had lengthened sufficiently. Those who preferred the milder joys of music could indulge their taste in the round-house, where amateur quartettes rendered selections from Handel, Gluck, Mozart or Hayden. Sometimes a lady passenger, greatly venturing, took out a piano specially made for India by Clementi or Kirkman. In that event she was careful to enclose the precious instrument in a strong case of painted deal, with a lid which listed on hinges exposing the keyboard. But one great resource of modern ocean travel was wanting in those remote days. Flirting was strictly against rule. All ladies, but especially the unmarried, were under the Captains' personal charge; and he tolerated no poaching on his preserves. Nature, however, worked her will. Writers and cadets sighed and struggled, not always in vain, for a glance from a bright eye, a smile from pouting lips, or more occult marks of feminine preference. Hence fierce disputes, ending often in an appeal to the last resort of eighteenth century manhood—the sword or pistol. I have read somewhere of a passenger aroused at early dawn by the report of fire-arms from the poop, on reaching which he found it the arena of a contest, conducted with all the punctilio of private warfare. But it was more usual to wait till a port of call, or the ship's destination had been reached, before settling these little affairs of honour. A well authenticated story is told of a lovely girl, whose charms had "waved hot youth to deeds of blood," and who, learning that three of her devoted admirers had determined on a combat *à outrance* when the vessel should reach the Cape, sent for them to the cabin and then addressed them—"Is it really true that you have fallen out on my account, and are going to fight when we arrive at Cape Town?" The culprits hung their heads in tell-tale silence, and she went on—"You silly, boys, why should you endanger your lives and break your mothers' hearts over such a trifle? Come, now, shake hands and make friends: and *I'll marry all*

*three of you.*" Which pledge the deadliness of our Calcutta climate a hundred years ago enabled her to fulfil to the letter.

A welcome relief was found in fishing during the frequent calms which rendered the monotony of sea life still more deadly. Every ship was provided with tackle for catching sharks, consisting of an immense hook, attached to a chain and swivel, baited with 4 lbs. of fat pork, and terminating in a line of 100 yards of inch-and-a-half rope, made fast to a tackle-fall. This tempting morsel was sunk astern to a depth of 5 fathoms, and ere long the eager group of watchers perceived a luminous oviform shadow approaching it. Then a terrific jerk ; and the rope ran out its full length with the speed of a rifle-ball. But the weight of the line and hook soon brought the monster under command. He was towed up to the gangway and landed by a lasso slipped over his fins, to receive his quietus from the carpenter's axe. The blue sharks then captured were often 30 feet in length : but their flesh was too much even for the iron-bound digestion of the tar of the period. Not so the brown variety, which though hardly a third of the size of his vast colleague supplied steaks much appreciated in the foc'sle. The porpoise was frequently harpooned from the bows, and his liver was esteemed an excellent substitute for pigs' fry. Dolphins and bonetas, however, were permitted to disport themselves in peace ; for their flesh swarmed with white parasites. That deadly foe to the flying fish, the albacore, succumbed to a bait rudely simulating his ordinary prey, cut from a piece of fat bacon with a feather on either side. The daily routine was also varied by an occasional deck-washing—a process which took place, not as in our modern steamers daily, but once, or at the most twice a week. This uncomfortable process was succeeded by a call to arms from the spirit-stirring drum, when all male passengers betook themselves to their appointed stations, and the crew were exercised in the use of the great guns. It happened, occasionally, that the good ship's defensive resources were put to a practical test. A strange sail is signalled to windward : and after anxiously gazing at her through his Dollond, the Captain intimates a suspicion that she is a French privateer. Doubt is changed to certainty when the white flag of old France bestrewn with golden lilies is seen to float proudly at the stranger's mizen, and a puff of grey smoke from her bow is followed by a dull report and a cannon-ball tossing up the spray as it passes a few yards astern of our Indiaman. Instantly the drum and bo'sun's whistle sound the signal to clear the ship for action. The canvas partitions between cabins are rolled by in a trice, and chests, cots, and all our passengers' little belongings are tumbled pell mell into the hold. The same

sate is shared by the unhappy fowls and sheep upon the poop—if indeed they are not thrown overboard. Stalwart arms are at work unlashing the cannon which had been fastened securely to the bulkheads forward, and running them into position, each at its port-hole. Others are busy bringing up ammunition from the magazine, and distributing muskets, cutlasses and boarding-pikes which had stood in racks surrounding the masts below. In less time than it takes to pen these lines every gun has its crew, and its Captain stands with lighted port fire awaiting the signal for a broadside. Meantime the passengers have not been idle. To the military officers are assigned commands on the poop, forecastle and waist, and every one else capable of bearing armament betakes himself to his appointed station with a musket and cartouch-box of ball cartridge, where he must consider himself for the nonce a marine. The non-combatants, including only ladies and the sick, are handed down into the cockpit, a gloomy dungeon below the water line, which in less stirring times is the abode of the midshipmen. Here they are huddled like chickens when the hawk is soaring overhead, gazing with ill-concealed terror on the amputating table which stands ready for the fray, with its rows of knives, saws, and bandages revealed by the fitful gleam of divers lanterns dimly burning. Here are the brisk Scotch surgeon and his mate with up-turned sleeves, and lappets bristling with suture-needles. And now the bustle overhead is followed by a death-like silence—the lull before the storm which shall lay many a goodly tree low. But hark, a distant thunder-peal, followed by the crash of timber, the shrieks of human beings in dire distress! These are speedily drowned by a deafening cheer, and in an instant the stout ship reels with the shocks of two broadsides in quick succession. I will draw a veil over the scenes of which the cockpit must now be the theatre. Lucky, indeed, will its helpless inmates be, if they escape the inroad of a cannon-ball between wind and water as the good ship rolls and exposes her burnished flank. Hardly less fortunate will they deem themselves, if they escape the humiliation of capture, which means the loss of all their belongings, and long years of detention in a French prison. A tardy justice has been done to the age which is styled the Great Century : but the admiration with which our great grandfathers inspire us does not extend to their methods of travel. Few of my readers would exchange the ease and luxury of their eighteen days' trip to India, for the dulness long drawn-out of the old Cape route, even if its monotony were broken by a naval engagement.

F. H. SKRINE.

## ART. VIII.—INDIAN VOLUNTEER ORGANIZATION.

THE sanction given by the Government of India last year for the formation of the long talked of Volunteer Reserves has apparently had the effect of bringing the whole Volunteer question more prominently to the notice of the Anglo-Indian public. In the July number of the *Calcutta Review* appears an ably written article on the "Auxiliary Forces in India," the author of which explains the important part our Indian Volunteers are expected to take in case of a Russian invasion, as the protectors of life and property in such districts as might be denuded of regular troops. He laments the weakness of the existing Volunteer Force in spite of the excellent material available in every part of the country, and expresses an opinion that the recently introduced Volunteer Reserve Scheme will eventually prove to be a remedy for the evil, though he admits that it will give us a force less efficiently trained than that which we now possess.

The Volunteer question has also been treated of in the essays of competitors for the gold medal of the United Service Institution of India, the subject of which was, "The Organization of Europeans and Eurasians (including Volunteers) as an Auxiliary Force." The writer of the prize essay, Captain Beauchamp Duff, advocates the introduction of compulsory service for all who are not Volunteers, and it may be assumed that if this were ever done, there would no longer be any Volunteer question to discuss, for practically whatever name the force might retain, there would be no real Volunteers left in the country. But believing as we do that Government can scarcely be contemplating such a serious step, at all events for the present, it is worth while examining the existing condition of the Volunteer force and considering how it may be improved.

The arguments of the writer in the *Calcutta Review* which are, roughly speaking, in favour of numbers at the expense of efficiency, are doubtless strong enough from one point of view. We know what excellent service entirely untrained men were able to perform during the Mutiny, and the present reserve organization, by providing every man with arms and equipment, and allotting him recognised duties either in the ranks or as an officer or non-commissioned officer, will, if it prove successful, be a distinct advance on the state of affairs then

existing. It will give us, in fact, that "framework of order" which Napier, speaking of the Spanish urban militia at the time of the French invasion of the Peninsula, declares to have been so useful in a sudden crisis. But even at the time of the Mutiny the want of training was distinctly felt, and our present Volunteer force may be regarded as an attempt to supply that want. Nobody supposes that volunteers are the only class besides regular soldiers who are willing to fight in defence of their country; but they are the only class who recognize the necessity for training themselves to that end, and hence it may be said, that the first and most important object of a Volunteer force is not numbers, or even organization, but training.

It is admitted that the weak point of the new reserve scheme is, that the amount of training its members are required to undergo is far from sufficient. It would be trying the patience of the reader too severely, to enumerate even briefly the whole of the conditions of service in the Reserve; but practically they amount to this, that though the Government encourages a reservist to learn his drill, and to keep up a knowledge of it when learnt, it does not require him to do so in order to be called by the magic name of "efficient," or to earn the capitation grant. All that is necessary is to fire fifteen rounds of ammunition in the course of the year and make six hits on a target four feet square, and we may assume that, except among the more enthusiastic, this is all that will be done. After all it is natural for men to suppose that what is laid down by Government as a sufficient qualification must be all that is worth troubling about. It will scarcely be maintained, even by the most sanguine admirers of the system, that under such easy conditions of service, the force will be all that can be desired, or even all that we have a right to expect, considering the excellent material available and the importance of the service it may at any time be called on to perform.

On the other hand it cannot be expected that active volunteers and reserve volunteers will continue under the present regulations to exist side by side, giving their services with equal freedom and for the same object, and differing only as to the amount of time and trouble they are required to devote to their volunteer duties. Putting out of the question some few of the special corps, cavalry and artillery, who may be able to hold their own, it is almost inevitable that as soon as the reserve scheme is in full working order, and it becomes generally known that in joining the Reserves a man is doing all that Government expects of him as regards his duty to his country, we shall find the main body of the active corps dwindling

away, until eventually the reserves will be the only class of infantry volunteers remaining.

Of course if it could be proved that there was no other way of obtaining the services of the large number of men now untrained, this state of things would have to be accepted ; but so far from believing it to be proved, there are many considerations which lead us to think, that by the issue of a few definite rules dealing with the Volunteer question in a liberal spirit (by liberal we do not necessarily infer financial outlay,) the Government might have a force of Volunteers of equal, if not superior efficiency to that which now exists, and comprising, with its reserves, the whole or nearly the whole of the European and Eurasian able-bodied male population.

We will now endeavour to give a few hints as to how this might be accomplished, though aware that any such scheme must contain many defects which can only be removed after those best qualified to judge have been able to pronounce an opinion upon it, and when the scheme itself has been given a fair trial.

We have just seen that one result of the present reserve system will probably be the gradual disappearance of the active infantry volunteer and in some cases, where separate reserve battalions have been organised, the old-established corps must, in course of time, die a natural death. In others, where the reserves form part of the active corps, the old name may of course be kept up, but in any case there will be a radical change in the whole constitution of the force, and a breaking up of its traditions. It cannot be said that questions of sentiment are of as great importance amongst volunteers as in the regular army, but at the same time a considerable feeling of enthusiasm exists amongst the keenest and best volunteers for the corps to which they belong, especially when it has been established for any length of time. It seems a pity that some advantage should not be taken of this feeling, and we shall endeavour to base our scheme upon the idea that existing Volunteer corps, and even in many instances companies are to be improved and developed rather than that new ones should be organized.

The writer of the article in the July number estimates the total number of volunteers in the country at about 15,000 in all, of whom 13,000 are efficient ; but, judging from the particulars given in the Army Lists of the three Presidencies for the current quarter, this estimate is a good deal short of the mark. In the Bengal and Madras Army Lists actual figures are given, and for Bombay an approximate estimate may be made by taking as a guide the number of officers of the various ranks, a fixed proportion of officers being allowed by regulation

in each corps according to its strength. This calculation gives the following results :—

*Approximate number of enrolled Volunteers in India.*

<i>Cavalry</i> ...	...	...	...	1,000
<i>Artillery</i> (naval 200, garrison 550)		...	750	
<i>Mounted infantry</i> ...	...	...	...	500
<i>Infantry</i> (Railway corps 6,300, other corps 9,000, cadets 1,500)	...	...	...	16,800
				<hr/>
		Total ...		<u>19,050</u>

Of these, probably at least 10 per cent. are "non-efficient," that is, they have failed to complete the necessary drills and musketry to earn the capitation grant for the year, owing to sickness, absence, or other causes ; but as almost every one of them has been exercised at least once previously, we are justified in including them in the total number of trained men. It must also be remembered, that year by year large numbers of men resign at the close of the drill season and are replaced by others. Of those who resign some few quit the country or become incapacitated for further service, and some are transferred to other corps, but a large number cease to be volunteers, either because their civil duties do not allow them enough leisure, or merely because they have, so to speak, been through the mill, and consider, fairly enough, that having acquired a sufficient knowledge of military training to enable them to turn out and do their duty in case of an emergency, they have done all that is required of them. The few who remain for any length of time on the rolls are the enthusiastic volunteers and crack rifle shots, who look upon volunteering as a means of recreation as well as well as a duty, and these men are to be found for the most part in the commissioned and non-commissioned ranks of the force. It may, therefore, be assumed that in addition to the 19,000 men now serving in active corps, there are at least half as many more who have passed through the ranks, and who would be fit and willing to rejoin when wanted, provided the necessary arms and equipment were forthcoming. It is these men chiefly who are now coming forward and enrolling themselves in the reserves, as a reference to the recently issued report of the Presidency Reserve battalion in Calcutta will show. It is there stated that no less than 85 per cent. of the members of the battalion, which is about 450 strong, have seen previous service in either the regular army or the volunteers. Still there remain many men who are not, and have never been volunteers at all, and the problem before us is to devise some scheme by which these men may be induced, not only to

register their names as willing to serve if called upon, but to undergo some training both in drill and the use of the rifle, and this must be done without either extra expense to Government, or the adoption of any thing in the shape of compulsory service.

It must be understood clearly that the important point is that every able-bodied man in the country should be willing to turn out when wanted, armed, equipped, and trained, rather than that any very large number of men should be undergoing training at any one time. Far too much stress is, as a rule, laid upon this last point. Numbers alone are regarded as the sole evidence of progress, and a corps which has ten men more on its rolls than it had the previous year is thought to have done better than one which has ten men less, even though the latter may have enrolled and trained during the season a far larger number of recruits to fill the places of resigned members.

As has just been pointed out, our existing active volunteer corps are, to a certain extent, training dépôts, each with its permanent staff and complement of officers and non-commis-sioned officers, but as regards the rank and file, ever fluctuating and ever changing, as men come and go, join or resign. In this respect an Indian volunteer corps resembles a German or French battalion in time of peace far more than an English regiment even under the short service system. The continental idea appears to be that, if a man is once thoroughly trained as a recruit, he may be allowed to go into civil life for a number of years though still nominally a soldier and liable to be called out for service, and that he will not forget the more important points of what he has learnt. Could this system be applied with the necessary modifications to our Indian Volunteers, one of the chief defects of our present organization would disappear. The first essential is that every man should be trained as thoroughly as possible when first enrolled, and it is with regard to this point that the present reserve system is so defective. Of course, if it were contemplated that only old soldiers and volunteers were to join the reserves, the special recruits training might be wholly or partially dispensed with ; but seeing that they are open also to un-trained men, and that the latter are exactly the class whose services it is sought to gain, we are justified in attempting to suggest some alterations and improvements.

We consider, then, that the necessity for the adequate training of all recruits should be fully recognized by Government, and should be carried out under well defined rules, and at a fixed season of the year, and limited to the shortest time in which it could be accomplished satisfactorily. Under the

present system a large number of eligible men hang back and do not enrol, because they hardly know what is expected of them. They consider that if they are to be volunteers at all, they must go in for it thoroughly, and try to make themselves really useful, but in the absence of any exact definition of the amount of training necessary to gain this object, they fear that the calls upon their time may be too heavy, and they therefore decide to leave it alone altogether. The introduction of the limited training described above would, it is hoped, obviate this difficulty. Camps might be formed in every volunteer centre for the convenience of members residing at a distance, and for the benefit of all who chose to take advantage of them. In camp and under arms strict discipline would be maintained, while every facility for getting away during the hours when training was not actually going on would be given to those who had their ordinary business to look after. Camps of this description are already held by several corps in India, more especially by the cavalry corps composed for the most part of planters. They are, as a rule, very successful, and only require a stricter enforcement of discipline, and a practical code of instructions as to what the training is to consist of, and how it is to be carried out, to make them all that could be desired.

Having once undergone this training, it would be optional for a man to continue an active member of a corps, and perform periodical drills and exercises, or to join the reserve. In the latter case he would still continue to belong to the same corps, troop, battery, or company with which he had been trained, and would retain the arms, accoutrements, and uniform originally issued to him, but would be excused all drills for three years, and be required merely to perform annually a modified course of target practice such as that now laid down for reservists. His arms and accoutrements would be given up each year at the commencement of the hot weather, and re-drawn when required for the annual course of musketry. At the close of the third year he would again have to attend a camp and go through a short training with the active corps, which might be considerably modified in the case of those who had not forgotten what they had been previously taught. The reservist would then be exempted for three years more, and so on until he reached forty years of age, when training would cease, except for those who wished to continue it, but all would remain liable to be called out in an emergency. Those who elected to remain active volunteers would continue to be drilled and exercised both at the annual camps and on such other special occasions as might be thought desirable.

It may be argued that this system has the same defect as that now in force, namely, that there are two standards of

efficiency, one for the active volunteer and another for the reservist, and that the easier standard would universally be selected. But the active corps must continue to exist, and even to flourish, because every man must belong to an active corps during his first annual training, and the prospect of always being able to secure a full complement of men would be an inducement to officers and non-commissioned officers to stick to their posts. Even supposing that the whole of each annual levy were to join the reserve after its first training, its members would still have had the advantage of being more thoroughly grounded in the rudiments of drill and musketry, and the further successive trainings, at intervals of three years, would serve to keep them up to the mark.

On the other hand by allowing reservists to continue to belong to active corps of their own branch of the service, and giving them every facility to turn out for exercise when they felt inclined, a much greater inducement would be offered to them to keep up their knowledge of military duties than under the present rules, by which they will become a class apart, so to speak, usually with separate parade grounds and rifle ranges and a separate staff of instructors.

In railway corps, owing to the impossibility of allowing any large number of men to be off duty at the same time, a different system would be necessary. The duties of railway volunteers must always be of a special nature, connected with the defence of the line to which they belong, and they would probably be required to act in small detachments and in isolated situations, where the experience of the numerous old soldiers they contain would be invaluable. A knowledge of this kind of work can hardly be acquired at an ordinary camp of exercise, but still such of them as could attend camps would be all the better for it. To attach reservists to railway corps would scarcely serve any useful purpose, except such men as remained in railway employment. All others would be attached to the infantry corps nearest their place of residence.

The question of uniform is one which affects the progress of volunteering far more than might at first be supposed. The present plan allows each volunteer corps to choose the colour and pattern of its uniform, subject to the approval of Government, and the consequence is, that scarcely two corps in India will be found dressed alike. Besides this, the whole of the members of a corps are seldom unanimous in favour of any one pattern, and those who are in the minority are naturally disgusted at not getting what they want. In some corps the uniform of the officers is so expensive as to deter men otherwise ready to serve from accepting commissions; while in other cases a dislike for the colour and pattern selected

has the same effect. To avoid all this Government should insist upon all infantry corps providing themselves with khaki drill uniform of the field service pattern. This should be paid for out of the Government grant, and would, in most corps, be found sufficient for all purposes, though those who wished might be allowed to add a serge dress of the same colour, provided the necessary outlay could be met without the expenditure of money intended to be devoted to more essential needs. The possession of uniform of the same pattern and colour would greatly facilitate the transfer of men from one corps to another on change of station, and would enable detachments of various corps to meet together, as at the camp of exercise at Delhi in 1886, without any marked incongruity of appearance. Uniform so cheap and serviceable could be kept up by reserve men without difficulty, and would enable them to turn out on parade with the active corps whenever they wished.

Another important point is the formation of a branch of the Adjutant-General's department at head-quarters for the special consideration of volunteer matters. Its head should be an officer of experience, who would look after the interests of volunteering in the same manner that the head of the musketry department looks after his special branch. The advantages the force would derive from the existence of such an officer are so obvious, and have been so frequently pointed out by previous writers, that there is no need to enlarge upon them here.

The next consideration is whether it would be advisable to make any direct concession to the volunteer, such, for instance, as exemption from the income-tax. This proposition has frequently been raised both in the press and amongst volunteers themselves, but has hitherto met with no response from Government, probably for financial reasons. There is no doubt that such a substantial concession would do much to increase the popularity of the force, but on the other hand it has been argued that it would tend to destroy its strictly voluntary character. This last view need not, we think, be seriously considered. Only the smaller incomes would be entirely exempt, a fixed sum being deducted from those above the limit before calculating the amount they were to be taxed. The sum thus saved would be scarcely larger than the actual expenditure every volunteer has to incur, and the concession would be looked upon as an acknowledgement of the value of the service rendered. It must be remembered that though there is no lack of high-flown language in praise of the volunteer movement both from officials and from the press, yet the individual member receives absolutely no substantial benefit in return for

his services, unless he be among the lucky few who figure regularly in the list of prize-winners at rifle meetings. Exemption would only be claimable by active volunteers for the years in which they actually made themselves efficient. Bearing in mind that we are pledged not to involve Government in extra expense, it would be necessary to impose a small tax (which might fitly be called 'exemption tax') on all who were not volunteers, the amount realized from which would counter-balance the diminished revenue from the income-tax. To facilitate a proper and reliable record being kept of each man's services, every volunteer should be provided with a small book, similar to those in use in the German army, containing full particulars as to the date of his enrolment, age, height, profession, and amount of training performed, with the signature of the officer superintending it. This book would have to be seen and signed annually by the commandant or adjutant of his corps, the details of his training and musketry being duly entered. It would be retained in the volunteer's possession, and produced by him as a voucher in support of his claim to exemption from taxation.

There are many other details which can scarcely find a place in a short article, but which would at once suggest themselves were the system to be given a trial.

There is another question which has been freely discussed lately, and though strictly speaking, not connected with volunteer organization, yet since it affects the class from which the majority of Indian volunteers are drawn, and would, if it ever gets beyond the stage of mere discussion, seriously affect the numbers available for enrolment, we may make some allusion to it here. It is that of the formation of regular Eurasian regiments. The principal advantage claimed for this project is the saving to Government which could be effected if regiments permanently quartered in India, and paid and pensioned in Indian currency, could be made to take the place of battalions brought out from England. Much has been said in praise of the Eurasian as a soldier, and it has also been urged that Government is in duty bound to provide some employment for the poorer class of Eurasians who find themselves more and more left out in the cold as the spread of education enables natives to come into competition with them for subordinate appointments in every branch of the public service. Without wishing in any way to deny that these claims are worthy of due consideration, it scarcely seems advisable to use them as an argument in favour of the formation of Eurasian regiments, a question which should be regarded solely from the point of view of economy and military efficiency. In his work on the British Army, Sir Charles Dilke strongly

advocates the organization of a local Indian Army, to be composed of long service men enlisted under different conditions from those of the home army, and he states that both Lord Wolseley and Sir F. Roberts, though they do not actually support this view, consider that foreign service men should be enlisted for a longer term than those for service in the United Kingdom. Now if a local Indian army were ever to be raised, it is likely that Eurasians who were capable of passing the ordinary physical tests would be admitted to its ranks. No invidious race or class distinctions need then be raised, and the Indian Government would secure a substantial addition to its army at a very economical rate, as there would be a large saving on the cost of transport to and from England of the men and their families. In other respects it could not but have a beneficial effect in binding together the whole English-speaking race in India, and in showing our enemies that Europeans and Eurasians could serve side by side in the regular army in the same way that they now do in the volunteers. No scheme for the raising of purely Eurasian regiments would be so satisfactory as this, and indeed, the practical difficulties in the way of any such scheme are so great, as to make it very doubtful whether it can ever be taken into serious consideration.

[INDEPENDENT SECTION.]

ART IX.—THEOLATRY AND ANTHROPOLATRY : \*  
OR A CHRISTIAN'S VIEW OF POSITIVISM.

PART V.

*The Completeness of the at-one-ment.*

"—God's greatness  
Flows around our incompleteness  
Round our restlessness His rest."

(48.) THE progress in apprehension of the glory of God which has gone on from the time of Moses to the present day, renders it inevitable that a very difficult question—one of tremendous import to the future of Christianity—should be fairly faced: namely, what was the stage of that progress in His mind who called himself emphatically the 'Son of Man.' How far had the intuition derived from His perfect love and faith carried him beyond the ideas of His age towards apprehension of His own Divinity? That He knew who He was appears from His own statements, but the question is, how far He apprehended, in the flesh, His own glory, when not veiled by the flesh. The child knows that he will be man; he knows that he and his father are one, but he cannot conceive of his own feelings in his coming manhood. None of us can, in the slightest degree, conceive of ourselves in our future state; we only know as a fact that we shall be like Him who is the "express image of God's person," being "transformed into the same image from glory to glory."

If the man Jesus was not actual man of his species—though a new type, a new development in the chain of evolution, produced by a new method from that individual of the ordinary type from whom He derived His human nature: if in that man the Godhead was not veiled in the flesh: if He was not the same (with the essential difference of possessing in perfection the faculties of Love and Faith) as the other members of the *genus homo* among whom He lived: if, in fact, "in the days of His flesh" He did not share the disabilities of the flesh: then the difficulty of reception of Christian belief by the human consciousness of the present day is fearfully intensified.

But if we can see one not yet rejoined to His Father and our Father, to His God and our God: if we can see in Him,

\* Continued from No. CLXXVII for July 1889, p. 195.

while in the days of His flesh, an actual human being who learned obedience by suffering (Hebrews, v. 8), whose humanity needed to be "made perfect;" Hebrews, v. 9 \*) a very man of the *genus homo*, "in all things made like unto His brethren" (Hebrews II. 17)—although a new type, in virtue of the perfect faculties of Love and Faith which are wanting in the ordinary type: if, in short, we can see *a man* who, notwithstanding the intuition afforded by His perfect love and faith, was debarred by the inadequacy of human expression, and the incapacity of human comprehension in his hearers, from conveying the results of that intuition otherwise than by means of the knowledge, the ideas, and the experience of His day: then we shall understand that He addressed His hearers "after the manner of men," and conveyed to them the results of His intuition "as they were able to hear it." And then the difficulty in reconciling His reported teaching with the knowledge afforded by the Spirit of Truth, which He has since sent us, will in a great measure disappear.

(49.) It is needless to go over ground already traversed on the subject of the authenticity of the existing canon of Scripture; the degree of inspiration of what is authentic therein; the fact that such inspiration was, after all, breathed into "earthen vessels," and that, consequently, truth was delivered to man in a manner necessarily imperfect, from the imperfection of the channels employed; and, finally, the evidently progressive nature of revelation. All these arguments are already in course of acceptance by Christians in the case of utterances attributed to Prophets and Apostles. Many are disposed to admit that what is represented to have been said by St. Paul regarding the fall of man is mistaken; that as in fact man has not fallen, but has risen by evolution, Paul only spoke according to the ideas of his time; that even had he known better it would have been vain to allude to truth beyond the conception of his hearers—as appears in the case of that allusion of the Master's which one of the foremost Jews of the day was incapable of comprehending—and therefore it was needless for the Spirit of Truth to give Paul that higher knowledge that death did not, as was supposed, come by the transgression of one man.

So far Christians will perhaps go; but the mind of man shrinks from applying criticism to the reported utterances of the Master. And yet it is inevitable that this should be done; it is vital to the cause that no misapprehension of the strong terms used by a teacher of the first century to a stiffnecked and stubborn generation, should obscure the fact that "God was

\* See also Hebrews II 10.

in Christ, reconciling the World into himself, not imputing their trespasses unto them." If men are to be drawn by love (and they can be drawn in no other way) it is by comprehending that "God is Love." That Supreme Central Force of the Universe is of course irresistible. As exhibited in the Son of Man, its final attraction of all things into itself is as certain as the fact announced by Mayer, by Sir W. Thomson, by Tyndall, and now accepted by all physicists, that the sun must so absorb the entire solar system;—"I, if I be lifted up from the earth will draw all men unto me." But the consummation daily prayed for by Christians, "Thy Kingdom come," may be retarded. There is in Nature a force of repulsion as well as that of attraction—something which keeps apart the molecules of iron, as well as those larger molecules—the sun and his planets. Mistaken views of the Gospel message have hitherto been among the causes strongly opposing the attraction of Love.

(50) Evidently there must be repulsion, not attraction, in a conception of God which presents Him as partial, as arbitrary, as other than *perfect* love. If any Church should tell the world that its share in the work of Jesus depends on men's acceptance of Jesus, that such acceptance depends on God's drawing them to Jesus, that He is Almighty to draw them if He pleases, that the vast majority will not be so drawn, and will not therefore share in the completed work of Jesus—then necessarily the World will say "this is an hard saying, who can hear it." Now according to the Gospel message, as at present understood by many Christians, the man Jesus is represented as declaring His intention of renouncing a large proportion of those whom He came to save. He is represented as saying again and again that no one can come to Him unless the Father draws him, and that He will refuse a share in His completed work, in His perfection, to all who are not so drawn: that "without me ye can do nothing;" that "the Son of Man is come to seek and to save that which was lost;" and yet that He came "that they which see might be made blind," and that He will say to such "I know not whence you are; depart from me all ye workers of iniquity." Humanity staggers before the contradictions implied in the accepted sense of these reported utterances. That we are all "Gods, all of us children of the Most High;" that "it is His good pleasure to give us the kingdom;" that an Incarnation of the Most High has appeared on earth as a new type among these children, to fit them for this kingdom, to complete for them a perfection to which in ordinary course they cannot attain, by a voluntary obedience to the means of perfection, of which sublime obedience they are not capable:—and yet that so tremendous an achievement

should have so inadequate a result ; that it should fail of result in the case of the vast majority of those in whose interest it was undertaken : this is not consonant with that reason which God has given to His children wherewith to find Him, a reason to which He Himself and His Incarnation are represented as constantly appealing.

(51.) Doubtless we are told that reason alone is inadequate ; that these things are revealed "not to the wise and prudent but to babes." Child-like trust and faith can alone lay hold of God. But trust and faith are just the faculties which see that "God is Love ;" that He is Father ; that the ideal perfection of fatherly love is incapable of partiality ; that the Divine Father is incapable, as is His faint human copy, of resting content while one child of His remains estranged and unhappy ; that the Supreme Central Force of Love must draw *all* into the unity of the person of that new type in whom the obedience and perfection of all is achieved.

(52.) God has now, for His own wise purposes, released the minds of men from the bondage of tradition, and has set them in every direction working towards the knowledge of Him, by the light of the reason which He has given them, and by the revelations of Himself in nature which he is vouchsafing to them. There is, in the hitherto accepted sense of our Lord's reported utterances, much which is discordant with the knowledge thus obtained. To insist on those utterances as divine revelation, in the accepted sense of them, is contrary to the whole tenor of subsequent revelation. It renders Christianity, as apparently hitherto understood by most churches, impossible of acceptance by men to whom Divine light has rendered the idea of their own selection for happiness, while the majority of their fellows are rejected, utterly incompatible with the Divine love revealed on the cross ; and also with the love towards their fellows which is their share of the Divine nature.

The Master knowing that humanity which He had put on, represents even Dives as yearning towards his brethren in the midst of his own suffering. If then, it may be assumed that Jesus spoke as a Jew of the first century to Jews of that time, and that His apostles wrote according to the lights of that age ; and also that there must be much imperfection in the record of what He spoke and of what they wrote : if it may be further assumed that the promised Spirit of Truth is leading us, by the progressive revelation of God's greatness vouchsafed in the observed method of His works ; and that reason is given to us for the purpose of discovering Him by analogy and induction from these observations : if the key-note of the "good tidings of

great joy" is that God is Love, and that He was incarnate to manifest that love—not "to destroy men's lives but to save them;" then the force of repulsion existing only in old dark views suitable to dark ages must give way to the attraction of love.

(53) The whole creation, we are told, groans and travails under the weight of its imperfection. We see all nature struggling towards perfection as plants towards the light. When the law, and the method, of release from imperfection are understood, all room for boasting is taken away—"it is excluded by the law of faith." The tree cannot reproach the stone for not having yet attained its own stage of development, nor the saint the sinner,

As said by H. G. Atkinson (in his letters on the Laws of man's nature, written conjointly with Harriet Martineau)— "Knowledge sees good in evil and the working of general laws for the general good, and sees no more sin in a crooked disposition than in a crooked stick in the water, or in a hump-back or a squint." "The creature," we are told, "was made subject to vanity, not willingly, but by reason of him who hath subjected the same in hope"—namely, the hope of the perfection which, in course of evolution, is achieved by the creature in its epitome the man Jesus. Not only the creature in general, says Paul, but even those who have attained the commencement of the last stage of evolution in the 'new birth,' "which have the first fruits of the Spirit"—even they "groan within themselves waiting for the adoption, to wit, the redemption of our body," or its completion of that last stage. Sin or imperfection is thus a matter of degree, and the difference of degree in the present stage of evolution is very trifling. "In the flesh dwelleth no good thing"—this all know and feel; but that perfection may eventually be attained can be inferred from the progress visible in the past course of evolution. Thus the revelation of the method of perfection given to us in the 'Good Tidings' comes to prepared minds, if that revelation be not marred by adherence to old mistaken conceptions of its tenor. To limit the efficacy of the method is to contradict analogy and to defeat the acceptance of the revelation. To do so is to oppose a force of repulsion to the attraction of the force of Love.

(54) This method is evidently that incorporation with the man Jesus, and the at-one-ment thereby with the Central Love, which the Jews so grossly misunderstood when He told them that they must eat His flesh and drink His blood. 'As He lives by the Father, so he that eateth Him, even he shall live by Him.' How better can incorporation be signified? And it is evidently only by incorporation with Him that Jesus' achievement of the last stage of evolution becomes our achievement.

There is, we are told, "a natural body ; and there is a spiritual body" and this is consonant with the reason of all but those who hold with Büchner that the spirit must cease to exist with the dissolution of the brain which is its material substratum ! We can understand that those procreated by the natural body are part of that body ; and, similarly, those incorporate by the 'new birth' with the spiritual body of the man Jesus. This is evidently no more in man's power than his natural birth. Hitherto it has been assumed that the 'new birth' is attained only by individuals—that, as the bulk of seed falls apparently sterile, individuals only achieving germination, so the bulk of mankind must fail of the 'new birth.' But in the light of the revelation of nature we begin to see that nothing falls sterile, nothing perishes, and that apparent failure is only renewal of the effort towards development.

(55.) "The law of conservation" writes Professor Tyndall, "rigidly excludes both creation and annihilation." This does not of course exclude communication with the outer or unseen Universe. Life, for example, has to come from without, to permit of development of the inorganic into the organic kingdom. The law stated refers, evidently, to creation and annihilation in the Universe evident to our perceptions. According to this law nothing new is created in nature, since God first created matter, organised forces, and prescribed laws—and similarly there is no waste, no failure, no abrogation of these, only constant flux and reflux, action and counteraction, modification and control of matter, forces and laws among themselves. Nothing in nature fails or perishes, and it is inconceivable that man only should be an exception to this law, should be liable to fail and perish. There can be no question of rejection, or exception from this law, as *punishment*, for there is no crime for which to punish. Conformity to type cannot be produced by the matter, but only by the type itself. The embryo cannot fashion itself, and it is Christ who makes the Christian. As St. Paul says, "It is God which worketh in you both to will and to do of his good pleasure." Rejection, then, can only be a process of the evolution leading up to the new type Jesus Christ—not punishment for nonconformity to that type. Like the rejection which takes place in physical evolution it must be understood to be only postponement. Thus the analogy of God's methods in the Universe points to the same conclusion as that reached by the intuition of love :—scientific observation supports the inference drawn by faith's sure grasp of the truth that God is love ; namely, that "in the dispensation of the fulness of time He will gather together in one *all* things in Christ, both which are in heaven and which are in earth."

(56.)—Such was the view indicated thirty years since by the Revd. Charles Kingsley, in his novel, "Two years ago," and such are the views of many of the clergy of the present day. Moreover, the creed of the early church, still held by that of Rome, agrees in this matter with the revelation of nature. If the parable of Dives was intended as revelation; if the man Jesus, with the intuition of perfect love and faith, grasped truths which the dullness of His audience debarred Him from conveying save by indications, then the indication in this parable may be taken in support of the creed of ultimate universal perfection and unity with Christ.

That hypothesis better reconciles the contradiction between the accepted sense of the utterances of Jesus, and the light of reason and of subsequent revelation, than does the supposition that the intuition of perfect love and faith did not suffice to guide that man into all truth. One or other of these hypotheses must at any rate be admitted, for the doctrine of eternal damnation of the many is fatal to the acceptance of the Christian faith. If, however, we see in Dives a nature yet Divine in love towards his brethren, but laden with imperfection which is being made perfect in suffering, purified in the fire of affliction, groaning and travailing in the pain of its incompleteness,—which is the sense of the belief in purgatory when divested of gross materialism—then this is in accordance with Divine Law as inferred from revelation and observation. Then rejection, such as announced by the Lord Jesus, in the only terms which his hearers could understand, is the rejection exercised before our eyes in natural selection. Such rejection occurs in nature again and again, and again and again the rejected rise like Antœus, and like Jacob they finally achieve success.

## PART VI.

### *The Decay of Belief.*

'Now we see through a glass darkly; but then face to face. Now I know in part; but then shall I know even as also I am known.'

(57.) The train of thought pursued in the preceding chapters arose from perusal of a book entitled 'The Service of Man,' or 'an essay towards the Religion of the Future,' by Mr. Morison, which has already passed through three editions. Mr. Vincent Tymms says in the introduction to his 'Mystery of God,' that in dealing with critical objections he has "borne in mind a secret whispered to me by a distinguished Queen's Counsel, who said 'I win my cases by admissions.' A full review of Christian controversy would show that more damage has been done to faith by indiscreet contentions for dubious and non-essential points, than by any hostile attacks." The popularity of such

works as Mr. Morison's emphasises what has been before said regarding the duty of presenting Christianity before the world in a form more consonant with God's progressive revelation of Himself. Harm enough has already been done in resisting light ; and writers like the Duke of Argyll, Professor Drummond, and Mr. Vincent Tymms, have performed inestimable service to the Great Cause in brushing aside the crudities of certain schools of theology. "It is more necessary for us" writes the latter, "to be active than to be orthodox. To be orthodox is what we wish to be, but we can only truly reach it by being honest, by being original, by seeing with our own eyes, by believing with our own heart."

(58.)—It is evidently absurd for our church, as for any other, to maintain the contention that, "orthodoxy is my doxy and heterodoxy is every body else's doxy." The Master has promised us that we shall know the truth and the truth shall make us free ; and this can only be if we, according to His invitation, search the Scriptures, with prayerful confidence in the Spirit which shall guide us into all truth. Much of the force of the objections to Christianity has of course arisen from obstinate defence by Churches of positions which have eventually proved indefensible. Much has also arisen from non-recognition of the relation of Science to Christianity ; which relation Professor Drummond has arisen, a second Butler, to demonstrate. It is moreover evident that these objections also derive in part their force from failure to recognise sin as disease and imperfection ; suffering as its cure ; Faith as a force ; intuition as a faculty ; the 'new birth' as a process of evolution ; the conservation and transformation of energy as applicable to human failures equally with all other failures in nature ; and the power of Love as a Law—as indeed the Supreme Law. It is this aspect of Christianity which the present essay attempts to bring forward.

(59.)—Of the harm that has been done by the dogmatic teaching of some churches, and the world's acceptance of dogma without investigation, the popularity of work so poor as Mr. Morison's is painful evidence. Of its poverty readers can judge from the references which will now be made to his book. Mr. Morison appeals to the analogy of nature as showing that all creeds, including that of Christianity, must eventually disappear. He regards as the common law of all life "growth, decay and death." He fails to perceive—what the earliest Egyptian records show to have been understood two thousand years before Christ—that this is not the end of the law, but that decay and death are merely means of renewal and progress. Under the same misapprehension he argues that even Truth, if there is such a thing, exists but for a time. He asks—"Can we

consistently say the propositions of Euclid existed in the Carboniferous era? If so, why not assert that all the truths yet to be discovered in the remote future exist at present?" Few probably will fail to answer both questions in the affirmative. The whole was always greater than its part, in whatever era: the conservance of energy in nature was a fact before Mayer discovered and Joule demonstrated the law: truth is not less truth because our limited intellects have not yet fathomed it.

(60.)—Mr. Morison fails throughout his argument through lack of grasp of that great truth that nothing perishes in nature as at present constituted. Doubtless as matter had an origin by the will of the Supreme, so it can by His will have an end. But in the present constitution of the Universe there is no end to any thing. The consumption of the Suns, of which Mr. Morison speaks, is but the transformation or conversion of their energy. To quote Professor Tyndall, "the energy of nature is a constant quantity, and the utmost man can do in the pursuit of physical truth, or in the applications of physical knowledge, is to shift the constituents of the never-varying total, sacrificing one if he would produce another. The law of conservation rigidly excludes, both creation and annihilation." (Under the present order of nature of course.) "Waves may change to ripples and ripples to waves—magnitude may be substituted for number, and number for magnitude—asteroids may aggregate to suns, suns may invest their energy in *flora* and *fauna*, and *flora* and *fauna* may melt in air—the flux of power is eternally the same."

Similarly the extinction, as Mr. Morison calls it, of religious beliefs is but a form of regeneration and progress. We may be sure that there is no exception in their case to the universal law of Nature.

Doubtless, as Mr. Morison says, dogma after dogma "passes gradually into the category of questioned and disputed theories, ending at last in the class of rejected and exploded errors." The reason is plain, namely, that human conceptions of God like human conceptions of His works, partake of the imperfection of human nature. In all sciences, not that of theology only, crude conceptions must be resolved and worked up again and again, each step in advance being the offspring of the preceding one, till completeness is attained;—just as the same process is always going on in nature, of which Tyndall says that "science proves itself to be a genuine product by growing according to this law." In this sense, no doubt, it is true, as Mr. Morison says, that science (meaning doubtless 'physical science') implies negation of theology. Physical science has hitherto been always in advance of theological science and corrects its errors. But if science in every age

implies negation of current and outstripped theology, where does Mr. Morison find that it implies negation of *Theos*? On the contrary it leads up stage by stage to a nearer knowledge of His glory. If "the system of Christian theology and thought which arose out of the ruins of the Roman Empire has been gradually undermined," there is being built up in its place a much more enduring edifice. No doubt "every statement and proposition in the most elementary scientific primer probably conflicts with some theology or other"—that is to say, they substitute real knowledge of God's wonderful methods for man's rude and derogatory conceptions of the Perfect Wisdom and Perfect Love.

(61). Mr. Morison and his school must be well aware that faculties are progressive like everything else in nature. They doubtless believe that, as Professor Tyndall writes, "not alone the more ignoble form of animalcular or animal life, not alone the nobler forms of the horse and the lion, not alone the exquisite and wonderful mechanism of the human body, but the human mind itself—emotion, intellect, will, and all their phenomena, were once latent in a fiery cloud," and in whatever forms of matter preceded the formation of the fiery cloud. They probably hold that evolutionary methods, generally within the grasp of human comprehension and inconceivable only where the life from the unseen Universe comes in to bridge the gulf between the inorganic and organic kingdoms, have developed formless matter into the noble intellects of the present day. They believe that the mind of a Newton is but the development of the mind of a savage, and of all the stages which led up to the savage, and yet they are surprised that intellects of the first century were not capable of grasping truths which are elementary to those of the nineteenth century—though they see that those intellects of the first century could apprehend what was utterly beyond the scope of the intellects of Moses' day.

(62.)—And, after all, what is it that the intellect of the nineteenth century can apprehend?

Relatively to earlier stages of its development—much; but positively, nothing. God has granted to us a great development of the faculties of observation, comparison, analysis, induction, regarding facts and laws. But the faculty to understand the how, the whence, the why, is as yet withheld. As Professor Tyndall writes "science is mute in reply to these questions." And he justly adds, "But if the materialist is confounded and science rendered dumb, who else is prepared with a solution? To whom has the arm of the Lord been revealed? Let us lower our heads and acknowledge our ignorance, priest and philosopher, one and all."

But this faculty we shall certainly have ; it is promised to us—the Spirit of Truth which shall lead us into all truth. The time must come when, as the Professor says, this ultra scientific region by which we are now enfolded shall offer itself to investigation. The eye of the mind, like that of the body, lacks the faculties requisite for translation into light of the greater part of the rays which fall on it. But the development of those faculties already bestowed on us, as marked, for instance, by the distance between the Ignanodon and the members of the British Association, argues the further development which shall eventually show us "all Truth."

(63.)—Mr. Morison devotes a chapter to the 'decay of belief.' He draws a just comparison between obsolete opinions, systems of thought, and institutions, and the rudimentary organs in the animal frame which, having ceased to be of use, become shrunken and meaningless. The former are not only meaningless but often noxious, as has been felt in the persistent resistance of obsolete systems of theology to the revelations of science. If Christians would but realise the force of Bacon's saying—"that a little natural philosophy and the first entrance into it doth dispose the opinion to atheism ; but, on the other side, much natural philosophy and wading deep into it, will bring about men's minds to religion"—they would abandon the ill-advised and even impious attitude assumed by some of them towards knowledge which can only come from God.

Mr. Morison quotes this Baconian saying without grasping its force. He declares that it is now being reversed—basing this view on the discovery of the immense preponderance of failure over success in nature, which cannot, he thinks, justify the assumption of an intelligent designer. Of course with men who suppose that every thing 'growed,' like Topsy ; who are not aware of Huxley's announcement that the doctrine of Biogenesis, or life only from life, is "Victorious along the whole line at the present day ;" discussion is useless. But accepting that doctrine, admitting the existence of laws, and the necessary inference of a lawgiver,—that law which we see to be universal, namely, 'selection of the fittest' and putting back of the majority to try again after progress in other forms,—is very well consistent with the reason which we derive from the Designer. But Mr. Morison further considers philosophy to be fatal to religion because it demonstrates "that man has not fallen, but risen, and that from the lowest level of animal existence." Certainly philosophy is herein fatal to Paul's conception of the history of man—but why to faith in God, or in his scheme for our perfection. It must be a weak mind which can be shaken by discovering that Paul, David, and

others, spoke according to the ideas of their time and were not instructed in all science. It certainly was unnecessary for the purpose for which Paul was sent that he should be so, and, if he had been so, his knowledge would have been incomprehensible to hearers of the first century, who knew only the Mosaic theology. Paul knew and taught, what all could understand, that imperfection is inherent in nature ; that "all have sinned" (or failed) "and come short of the glory of God." It was needless for his purpose that he should be aware of the scientific explanation of this. His Mission was to show how the failure and incompleteness could be made perfect and complete.

(64.)—Granting that the fall is "a mere fiction of a primitive cosmogony," still the imperfection and incompleteness which that fiction endeavours to explain is a scientific fact—and the Incarnation has, to quote Mr. Morison's words in another sense, "no other object than that of neutralising its effects." Criticism, observation, analogy, induction, can only carry us a certain length. To quote Professor Tyndal—"Though the progress and development of science may seem to be unlimited, there is a region beyond her reach—a line which she does not even tend to inosculate." God gives us these noble faculties to use, wherewith to learn his methods, to correct foolish misapprehensions, to obtain juster ideas of His glory,—but, when they will take us no further, another faculty must come in. "Can we by searching find out God?" Not yet ; but through the faculties already developed in us, we can obtain some insight into His observed laws, and infer from them others which we cannot observe. Afterwards it must be by the intuition afforded by His Spirit that we grasp the great mystery of Love—'God manifest in the flesh, justified in the Spirit, seen of angels, preached unto the Gentiles, believed on in the world, received up into glory.'

(65.) Mr. Morison adduces the general rejection of miracles as a symptom of the decay of belief ; it is rather, however, progress in the knowledge of God, which sees that all signs and wonders must be in accordance with laws of His, yet unknown,—and therefore natural, not contrary to nature. It may certainly be conceded to Mr. Morison that there is nothing miraculous in Christianity itself. The gradual revelation of God's method of perfecting His creation is not supernatural, nor even super-experimental ; it is in accordance with the universal law of progress. Human errors in conception of that method are equally in accordance with the universal law of imperfection in nature, and their gradual correction is in accordance with the tendency of this imperfection towards perfection. Unbelief gains nothing by exposing these errors, it rather renders service to Christianity,—but at any rate it is superfluous to

expose exploded errors. To attack, as Mr. Morison does, the monstrous conception of Satan's eternal function of tormenting souls in hell ; to attack the barbarous notion of God as Moloch, requiring propitiation by the death of the innocent Christ ; this is 'twice to slay the slain.' There is, as he says, no mystery at all about the origin of such conceptions. "Barbarous and cruel ages have ever generated barbarous and cruel religions." As God is better known, such conceptions are "being superseded by the growing conscience of mankind."

But it is not the case, and will never be the case among Christians, that (in the scoffing sense in which Mr. Morison quotes words of eminent writers) the idea of God should be "defecated to a pure transparency," should be "deanthropomorphised." The idea of God is certainly deanthropomorphised, as regards the imperfect *anthropos* so far attained by evolution. But the perfect man which shall hereafter be attained—as in progress of evolution we are "born not of blood, nor of the will of flesh, nor of the will of man, but of God"—*that* man certainly is made in God's image, after His likeness, and Jesus of Naureth, the first man of this new type, expressly declared that in seeing Him we see the Father.

(66.) Mr. Herbert Spencer cannot conceive of a divine consciousness, of a divine will, of a divine intelligence, which are reconcilable "with the unchangeableness otherwise alleged and with the omniscience otherwise alleged." Probably less exalted reasoners will not bewilder their poor human brains and limited intellects with striving after such conceptions in the light of reason. Eventually, doubtless, intuition, born of love and faith and cultivated by prayer, may attain even this height. Meanwhile it will suffice us to know and feel that God is Love ; and that He is like perfected man, or perfected man like Him, in the completeness of Love ; and that even imperfect man in so far resembles God, and can so far understand God by the analogy of his own nature, as he possesses a share greater or less of that Love. Again, to quote Mr. Morison—"no one wants, no one cares for, an abstract God, an unknowable, an absolute, with whom we stand in no human or intelligible relation. What pious hearts wish to feel and believe is the existence "behind the veil" of the visible world, of an invisible personality, friendly to man, at once a brother and God. The unequalled potency of Christianity as a religion of the heart, has ever consisted in the admirable conception of the man-God, Jesus Christ." This, which is meant as a pitying explanation of our delusion, exactly states the case. Such a personality is what the heart of man needs, and He who implanted that need has satisfied it in showing us Himself, the Supreme Love, incarnate in the flesh.

(67.) Woe to any sect or creed which teaches otherwise, and which shows to men, not Supreme Love, but partiality and injustice. It will be called upon, as Major Campbell, in Kingsley's "Two years ago," called upon the revivalist preacher, "to answer to him for the innocent lives which you have endangered and destroyed, for the innocent souls to whom you have slandered their Heavenly Father." To quote further from this remarkable book, written by a fearless priest thirty years ago,—“When a preacher tells people in one breath of a God who so loves men that he gave his own son to save them, and in the next that the same God so hates men that He will cast nine-tenths of them into hopeless torture for ever (and if that is not hating, I do not know what is)—that preacher has certainly gone beyond his mandate. He needs to go to Nature's school to be taught the marvellous scheme of evolution towards perfection. He has yet to learn “what that meaneth, I will have mercy and not sacrifice, for I am not come to call the righteous but sinners to repentance.”

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## PART VII.

### *The failures of Christianity.*

“We have this treasure in earthen vessels.”

(68.) Even Newton, transcendent genius as he was, fell into error in dealing with a subject which he had made specially his own. He supported the emission theory of light. He could not conceive the separability of refraction and dispersion. For a century his vast reputation stood like a dam across the course of discovery, and it is only of recent date that Younge, Fresnel and Dollond have corrected his errors. How, with such instances before him, could Mr. Morison think it reasonable to cast its mistakes in the teeth of any science—even theology? Nevertheless he scoffs at the Christians of to-day for discarding the doctrine of the eternity of hell-torments. He says that “the minimising of irksome tenets is a frequent resource, and an unfailing symptom of decaying faiths.” He asks why, if the new interpretations of God's revelation are right, they were not discovered before. He might as well ask why was not the circulation of the blood, or the germ theory of disease, discovered earlier. It does not follow that, because medical science once erroneously supposed lunacy to be possession of the devil, therefore future professors of medicine may have to discard the dogma that *delirium tremens* results from drinking. Equally Mr. Morison's assumption is incorrect, that because Christians once imagined that God hates the vast majority of His creatures, they will have to abandon the better knowledge, that “God was in Christ, reconciling the world

unto Himself, not imputing their trespasses unto them : " that even in the case of all those whom, for his own wise purposes he has "concluded in unbelief,"—it is " that He might have mercy upon all :" that Christ Jesus, being raised up, will inevitably " draw all men unto him."

(69.) Mr. Morison evidently does not recognise intuition as a faculty. There are many people who can recognise no faculty which they do not themselves possess, yet what is there incomprehensible in intuition ? Faculties are not all evident, even to their possessors ; they need development by practice, and they can be atrophied by disuse. The athlete develops his limbs till his achievements appear incredible to one whose muscles are paralysed by sloth. How many who read the feats of trained imagination by men of science, can realise, much less follow, them ? Nor have these even approached their acme, any more than the feats of the gymnasts. Speaking of atoms, Tyndall says that their first marshalling, "on which all subsequent action depends, baffles a keener power than that of the microscope. Through pure excess of complexity, and long before observation can have any voice in the matter, the most highly trained intellect, the most refined and disciplined imagination, retires in bewilderment from the contemplation of the problem." Similarly the faculty of intuition—after its bestowal in the 'new birth'—trained as it may be to a keen power by prayer and meditation, can as yet, even in its most accomplished masters, but dimly conceive of God. But conceive Him in some measure it can, in those on whom it has been thus bestowed, and in whom it has been thus cultivated ; and the inability of others who have shared the 'new birth,' only argues want of cultivation of the faculty—such as is argued regarding the speculative faculty by inability to follow the reasoned speculations of a Newton. Of course, for the agnostic, while yet awaiting the 'new birth' which shall assuredly bring him into the new species of spiritual man, there is no such faculty. "The natural man receiveth not the things of the Spirit of God ; for they are foolishness unto him : neither can he know them because they are spiritually discerned." This is in accordance with the laws of nature. The inorganic kingdom does not possess the faculties of the organic, nor the organic those of the spiritual kingdom. Minerals must be absorbed into the vegetable, natural men must be new born into the type of Christ, before they can share the higher life, and, even after that, progress must be by gradual development. One human being only has possessed this power of intuition in its perfection—the carpenter of Nazareth ; and when he announced the results, the people took up stones to stone Him.

(70) Mr. Morison and his school ought to be in advance of the Jews of the first century, nevertheless he only quotes Carlyle's announcement of intuition for the purpose of casting a stone. No better instance can be given of this faculty in modern days than by quoting Carlyle's description of the dawn of intuition on his soul. After that bitter cry commencing—“To me the universe was all void of life, of purpose, of volition, even of hostility :” Carlyle proceeds—“Foreshadows, call them rather fore-splendours of that truth and beginning of truths, fell mysteriously over my soul. Sweeter than day-spring to the ship-wrecked in Nova Zembla ; Ah ! like the mother's voice to her little child that strays bewildered weeping, in unknown tumults : like soft streamings of celestial music to my too exasperated heart, came that evangel : The universe is not dead and demoniacal, a charnel-house with spectres ; but God-like, and my Father's.”

Let those who question such intuition because they cannot understand it—as Mr. Herbert Spencer questions the divine consciousness, the divine will, the divine intelligence, because he cannot understand them—ask themselves what they know of their own mental conditions. Intuition they will find to be no more inconceivable than volition, or any other marvellous effect of what is called “the mind.” It is not, as Mr. Morison asserts, “in spite of the laws of their consciousness,” but because of the laws of their consciousness, that men will believe in a good God who loves and cares for them, whom they apprehend by what there is of divine in themselves. It is through confusion of ideas that our conception of God is called anthropomorphism,—it should rather be said that man is theomorphous, that it is only in so far as he is in the image of God that he can have a conception of God.

(71.) Mr. Morison finds an argument against Christianity in the lack of Christian consolation. In this connection he quotes the sufferings of Bunyan: he quotes Thomas-a-Kempis as denying that we have any ground even to hope for consolation: he quotes Cardinal Wiseman on the experience of all saints during the period preceding the attainment of that “Peace of God which passeth all understanding.” “During this tremendous probation,” writes the Cardinal, “the soul is dark, parched, and wayless, as earth without water, as one staggering across a desert, or, to rise to a nobler illustration, like Him, remotely, who lay on the ground on Olivet, loathing the cup which He had longed for beyond the sweet chalice which He had drunk with His apostles just before.” Undoubtedly, the repulsion of the perfect towards imperfection touches what there is of the divine nature in Christians, causing them to loathe themselves. But, apart from this, the dejection of failure

is not peculiar to the pursuit of holiness ; it is felt by poets, by musicians, by all who follow what pursuit soever with their whole heart. Such dejection in Christians is, however, a sign of ignorance and imperfection pertaining to their humanity. The Christian's misery is of his own making—through forgetfulness of the fact that he can do nothing of himself. Like Peter he looks on the storm instead of on his Lord. He cannot realise that " it is God which worketh in us both to will and to do of His good pleasure." So he strives for himself, and fails, and is cast down. " O preposterous and vain man," cries Drummond, " thou who couldest not make a finger nail of thy body, thinkest thou to fashion this wonderful, mysterious, subtle soul of thine after the ineffable image ? Will thou ever permit thyself *to be* conformed to the image of the Son ? Will thou, who canst not add a cubit to thy stature, submit *to be* raised by the type-life within thee, to the perfect stature of Christ ? "

Professor Drummond again appeals here to the analogy of nature : " For its growth a plant needs heat, light, air, and moisture. A man, therefore, must go in search of these or their spiritual equivalents, and this is his work ? By no means. The Christian's work is not yet. Does the plant go in search of conditions ? Nay the conditions come to the plant. It no more manufactures the heat, light, air, and moisture, than it manufactures its own stem. It finds them all around it in nature. It simply stands still with its leaves spread out in unconscious prayer, and nature lavishes upon it these and all other bounties. . . Grace, too, is as free as air. The Lord God is a sun. He is as the dew to Israel. A man has no more to manufacture these than he has to manufacture his own soul."

(72). A future life, writes Mr. Morison, " is one of the most enormous assumptions without proof ever made ; and yet, on this immense postulate all the alleged consolations of religion of necessity hang." No doubt they do. " If in this life only we have hope in Christ, we are of all men most miserable " ;—for the perfection sought by the divine aspiration implanted in us is, as we see, only to be attained in following the Master through the last stage of evolution, with that perfect love and faith, which alone are powers to extinguish imperfection and attain completeness. As to the proof of the future life, it can only be the Rip Van Winkles of science who have not long ago accepted this in the analogy of nature, the hourly resurrection of all creation ;—even if they will not admit the resurrection of Christ on testimony such as would be sufficient in the case of any other historical event.

(73). Mr. Morison raises another ill-considered objection against Christianity when he says—" The affliction of the just and

the prosperity of the wicked has always been a serious difficulty to pious persons who combine reflection with devotion. Probably few religious persons have escaped the bitterness of feeling that they were unjustly chastened, that the rod of God was on them and not on the wicked." Before God's method and scheme of salvation were made known in Christ this was doubtless felt. Even now, persons who will not take the trouble to understand either may so feel. But by Christians, generally, it is understood, and has long been understood, that "Whom he loveth he chasteneth." That law of nature under which suffering is a means towards perfection is now fully recognised by the intuition of Christians, even when not scientifically known to them. In the moment of dissolution, certainly, the failing human brain is liable to lose hold of this and other great truths—as shown by the exceeding bitter cry of the dying Jesus, to which Mr. Morison refers. He adds "Christ's followers have discovered consolations and *viatica* in the hour of death which were denied to him." They have, indeed! These consolations and *viatica* are Jesus himself, and His priceless death, and His glorious resurrection.

(74). Mr. Morison devotes a chapter to "the consideration of Christianity as a guide to conduct." Both this chapter and another upon "Morality in the ages of Faith" are based on confusion of Christianity as a profession and Christianity as an affection,—between Christianity as accepted by the understanding and Christianity as a matter of the heart. Nevertheless the "*video meliora proboque, deteriora sequor,*" the burden of Romans VII, must be familiar to all who know human nature. The gap between the kingdoms must be familiar to all who know the revelations of science. Pound up a crystal or dissolve it, and when allowed to re-form it remains a crystal still. The inorganic kingdom cannot rise to life till life reaches down to it from above and absorbs it into itself, and even when thus introduced into the organic kingdom, it is still at the bottom of the scale and can only rise by development; and in the highest known development, man, it is still imperfect. When by the 'new birth' the organic rises into the spiritual kingdom, ages beyond the scope of imagination may yet be needed for its perfection;—at any rate, such is not to be attained on this side of that great separation from the degrading correspondences of this world, which occurs in the process called death.

Naturally Christians waive, as Mr. Morison says, morality *as an end*, when they know that it is no matter of the will, that it is not to be attained by personal effort. One unhappy creature is afflicted with the lust of drink; another with the lust of gain; the form taken by sin or imperfection in a third, is that of shattered nerves and irascibility: it matters little

whether the disease is hereditary, or determinate, or both combined—no effort of a will which necessarily shares the imperfection of which the individual is victim, can expel the disease by which it is itself affected. For this is needed something from without, the expulsive power of a new affection, the connection with a new force—in short the ‘new birth.’ It is for this that all creation groans and travails in pain—“the earnest expectation of the creature waiting for the manifestation of the sons of God.” When the ‘new birth’ is given, is it to be doubted that the cure will commence? Fear has healed the bedridden and the drunken, is it to be supposed that the power of love is less! Science knows the wonderful effects produced by belief; the facts of faith-healing and faith harming are too numerous, whether in Europe or Asia, for reasonable doubt;—is faith in Christ less powerful than belief in a charlatan?

(75.) “It is admitted by all Christians,” writes Mr. Morison, “that man is saved only through the merits and passion of Christ.” “Saved” from what? From his own Father? Man is perfected and made complete, certainly, in Christ only. We all know that perfection is absolutely unattainable by man in his present stage of evolution; some constitutions are more imperfect, some less so, but the difference is only of degree. But the analogy of evolution points to man’s eventual completion, to his eventual rise from the organic to the spiritual kingdom, as the inorganic kingdom rose into the organic. The scope of Christianity as a revelation is, to show how this is achieved (not to *explain* what must remain as much a mystery as the rise of the inorganic kingdom into life); it is not, as Paley says, “to influence the conduct of human life by establishing the proof of a future state of reward and punishment”—but is simply “Christ crucified,” and His creation thus perfected and made complete in Him. The method indicated is that of *en pathet mathein*, which is in harmony with the entire course of evolution and natural selection,—a law of the Supreme Love which observation teaches to be universal, and which intuition knows to be needful and benignant.

(76.) Mr. Morison writes—“By laying all the emphasis of its teaching on repentance and the subjective attitude of the soul towards God, and not on good works performed to individuals and society, Christianity has not applied its force in the right direction for producing the *maximum* of morality.” This is putting the cart before the horse. Repentance is an effect of love, a result of the “new birth;” we regret having grieved or injured one towards whom the heart goes out. Whether, for crushing a worm, or for grieving the Almighty,

the emotion differs only in degree. This love is what we have of the Divine in us—our part in the central power of the universe. It exists not in man only, but presumably throughout the universe. We observe it in the higher animals, and—

"The poet, faithful and far-seeing,  
See alike in stars and flowers a part  
Of the self-same universal being,  
Which is beating in his brain and heart."

But electricity is also a power existing in all things, and love, like electricity, needs connection before its power is developed. It is this connection, apparently, which is effected in that sudden and mystical process of evolution (analogous to the process whereby the gulf between the inorganic and organic kingdoms is bridged) which the Master described to Nicodemus as the passage from the organic into the spiritual kingdom. Then goes out the man's being to the Central Love; then he grieves to offend his Father; then his heart yearns for incorporation in the Redeemer's perfection; then he makes the feeble attempts to please, which men like Mr. Morison talk of, without understanding them, as good works and morality.

(77.) Frequent reference has been made in these chapters to the 'new birth,' on the assumption that mankind's comprehension has now got beyond the stage of that of Nicodemus. To define that marvellous process of our evolution is neither possible nor desirable. This essay is in part a protest against the human tendency to dogmatise by which so much harm has been done. The Master did not define the process, and it is as little susceptible now, as in His day, of definition in terms of human comprehension. It certainly cannot consist in water baptism only, nor can baptism be even indispensable thereto. It cannot consist in conversion only, as that term is now understood in the sense of an emotion, often hysterical. To be converted, or changed, to become as little children, is the evident sign of this new birth—of that baptism with the Holy Ghost which comes as the wind comes—but what is that 'new birth,' that development which the Master calls being "born of the Spirit?" This is inscrutable. It is not to be apprehended by our limited faculties (compare 2 Cor. XII, v. 1—5), though doubtless some idea of the process is to be derived from the recorded experience of eminent Christians, and from the analogy of nature. Certainly science cannot but know that such a development is in entire accordance with the analogy of nature and the doctrine *omne vivum ex vivo*. As the development of the inorganic into the organic kingdom needs life from without, so the development of the organic into the spiritual kingdom. The former phase of evolution depends doubtless on laws of the unseen universe.

The latter, as revealed to us by the Master, depends on the direct action of the Spirit of God. This is clearly stated in the chapters on "Environment" and "Conformity to Type" in that popular work of a well known physicist, "Natural Law in the Spiritual World." There is, says Beale, "a period in the development of every tissue and every living thing known to us, when there are actually no *structural* peculiarities whatever—when the whole organism consists of transparent, structureless, semi-fluid living bioplasm—when it would not be possible to distinguish the growing moving matter which was to evolve the oak, from that which was the germ of a vertebrate animal." Huxley has been before quoted as describing how the skilled workman deals with this bioplasm to make a water-newt. Similarly, when a bird is wanted, "the bird-life seizes upon the bird-germ and builds it up into a bird, the image of itself. The reptile-life seizes upon another germinal speck, assimilates surrounding matter, and fashions it into a reptile: The reptile-life thus simply makes an incarnation of itself. The visible bird is simply an incarnation of the invisible bird-life. "Now." (writes Professor Drummond) "we are nearing the point where the spiritual analogy appears. There is another kind of life of which science as yet has taken little cognisance. It obeys the same laws. It builds up an organism into its own form. It is the Christ-life. As the bird-life builds up a bird the image of itself, so the Christ-life builds up a Christ the image of Himself, in the inward nature of man. When a man becomes a Christian the natural process is this. The living Christ enters unto his soul. Development begins. The quickening life seizes upon the soul, assimilates surrounding elements, and begins to fashion it, and all through life" (both here and hereafter) "this wonderful, mystical, glorious, yet perfectly definite process, goes on 'until Christ be formed' in it."

(78) Thus, according to nature's analogy, must the "new birth" be accomplished. A new type having been established in the man-Jesus, according to the mysterious law by which new types have been evolved throughout the course of nature—that new type perpetuates itself in the manner above indicated. If it be objected that the bird-germ becomes a perfect bird, but the Christ-germ does not become a perfect Christ, the answer is 'who has seen the end of the growth of the Christ-germ?' "What wonder if development be tardy in the creature of eternity? A Christian's sun has sometimes set, and a critical world has seen as yet no corn in the ear as yet. "As yet," in this long life, has not begun. Grant him the years proportionate to his place in the scale of life. "The time of harvest is not yet." It has taken ages, under the influence of environment, to perfect the function of lung-breathing

in a frog, evolved from the tadpole which breathes by gills; is the development of divine functions to be produced in a lifetime? Even when the spiritual correspondence with a divine environment is made complete in the new birth, the new creature resulting is "perfect only as the bud is perfect. 'It doth not yet appear what it shall be,' any more than it appeared a million years ago what the evolving batrachian would be."

### PART VIII.

#### *The Fruits of the Spirit.*

Humble lives, to low thought, and low ; but linked to the thinker's eye,  
By a bond that is stronger than death, with the lights of the farthest sky.

(79) The miscomprehension of Christianity which runs through those chapters of Mr. Morison last referred to, continues in that which deals with 'What Christianity has done.' He states that "the whole scheme of redemption supposes that God was so pleased with the voluntary sufferings of the innocent Christ, that in consideration for them, he forgave guilty man." Nevertheless he quotes elsewhere, as if he understood it, the text which says that God desires mercy and not sacrifice. It is certainly the case that "the whole idea of Christianity, as given in the New Testament, is steeped in suffering." No doubt Christians regard it as their highest privilege to suffer, and are alarmed if they lack that spot which marks God's children. It stands to reason that, if suffering is the means towards perfection—without the voluntary acceptance of which even Christ, the new type of creation, could not, as such, be made complete, and his creation with Him—then those who desire to share that completion by incorporation with Christ, must feel the desire to share that means—to be "crucified with Him." This must necessarily be the case, as soon as their connection with the Central Love and its incarnation is effected in the 'new birth,' as assumed in para 76.

(80) It must be recognised, of course, that there is much suffering in the world which is not accepted by the will. That is, apparently, the process of purging imperfection prescribed by the All-wise throughout nature. But man alone has attained that stage of development in which he is capable of exercising a will to accept with gladness this appointed means, and thus to fulfil that perfect obedience "to do Thy will O God!" which commences the completion of union with the Central Love. In so far as he is not enabled by a new birth so to use his will, and thus rebels against, instead of accepting this means of union, suffering must fail of having effect to that

extent ; though still, will he nill he, tending towards the purging of man's imperfection, and to bringing him into a state fitted for the 'new birth,' wherein his will shall come into harmony with that of his Father. Jesus Christ, the new type, had such a will, harmonious with His Father's—"not my will but Thine be done"—and his suffering was thus, in the fullest sense of the term, 'voluntary.' No doubt His possession in perfection of the supreme faculties of love and faith rendered Him superior to the laws of suffering and death *as needful to perfection*. And yet those very faculties enabled, nay necessitated Him voluntarily to submit to those laws in order to perfect obedience for His kind, and to complete them by an achievement of which they are not capable. And it may also be said that the Central Love was 'pleased' (though such a term can only be used for the infirmity of human understanding) in this accomplishment of the method for union with itself of the creation over which it yearns. Evidently this is something very different from Mr. Morison's idea of the "scheme of redemption," as above quoted.

(81). Mr. Morison, forgetting the imperfection of human nature, quotes the silly remark of a saintly woman as giving the key-note of Christian feeling on this subject of suffering—not one's own but that of others. Mother Margaret Hallaham, on hearing that, in spite of storm signals and meteorological theories, the wrecks on the English coast increased instead of diminishing in number, expressed her satisfaction, exclaiming, "I like these learned gentlemen to know that God is Master." He might have matched this with many quotations from the Psalms and from the Prophets, even from modern and learned Divines ; but what purpose does he serve by the quotation ?

In so far as it is true, as Professor Huxley once said, that the temper excited in some portions of the clerical world and among religious people, by the recent growth of physical science, is like the anger and alarm with which the savage views the progress of an eclipse—these instances only show, what every one knows, that holy women or zealous clergymen, or saints of old, alike fall far short of perfection. But how can Christian principle be inferred from their shortcomings ?

For Christian principles we can only turn to their one perfect exponent. So far from regarding "evil, pain, and disease, as trials sent by God for his own wise ends, chastisement meant for our rebuke and guidance"—and, therefore, not to be interfered with, the Master devoted his whole time to counteracting them ; just as science, under the guidance of His promised Spirit of Truth, is doing now. Suffering there must be, otherwise no perfection. The Christian, however, while feeling, in

faint imitation of his Master, that he has a baptism to be baptised with, and that he is straitened till it is accomplished ; while accepting with perfect love, trust, confidence, and thanksgiving, whatever unavoidably reaches himself (" Father, if this cup may not pass away from me except I drink it, thy will be done ; ") will do his utmost to mitigate and assuage, to limit by anticipation and prevention, to obviate by prayer (" Father if it be possible, let this cup pass from me ") suffering, physical or moral, another's or his own. How much more will he adopt all possible methods to remedy evil or imperfection throughout God's universe, whether physical, social or moral !

(82.) Mr. Morison states that " we find two permanent factors running through the religions of the past in all their changes of outward presentation : sacrifices on the part of the worshipper ; and a gradual approximation of the service of the gods to the service of man." There is nothing surprising in this. It was some earlier philosopher than Mr. Morison who formulated the principle " Love me love my dog." From that love which draws us towards God must result the love of what He loves. As to sacrifice, that is also a necessary concomitant of affection. Nothing gives more pleasure than to offer at the shrine of the heart the very best that one has. If this is true in relation to one's kind, how much more so in relation to the Central Love and Its Incarnation, who draw us " with cords of a man, with bonds of love ! " It is not the case, then, that " instead of Theolatry we have Anthropolatry. The Divine service has become human service." The real fact is that *from* Theolatry has come Anthropolatry. Such is the connection with the Central Love, which is established in the 'new birth,' that the Christian cries with Paul, " I say the truth in Christ, I lie not, my conscience also bearing me witness in the Holy Ghost, that I have great heaviness and continual sorrow in my heart. For I could wish that myself were accursed from Christ for my brethren, my kinsmen according to the flesh." Witness the vast efforts of Christianity to reach the world ; the charities, the hospitals, the missions, Doctor Bernardo's noble work, the stupendous organisation of the Salvation Army, all travailing in birth again, like Paul, 'until Christ be formed' in their brothers of men. And why ? Because 'necessity is laid upon them,' as Paul declares : 'yea, woe is unto them if they preach not the gospel,' if they publish not the good tidings of peace.

(83.) With this correction, namely that Anthropolatry is *from*, not instead of Theolatry, all said by Mr. Morison regarding the 'service of man' is just. " We can serve men firstly, and perhaps chiefly, by improving ourselves ; and this in all respects, physically, mentally, morally." It is very certain that the nearer we can approach to physical perfection, the

better shall we be mentally and morally. It can hardly be doubted that Canon Farrar must be correct in supposing.—both on the testimony of tradition and from the extraordinary endurance which He displayed, both in His labors and in His sufferings,—the physique of the man Jesus to have been perfect. Isaiah 52. v. 14 and 53. v. 2 can refer only to the terrible period of the passion. Mr. Morison truly says that "without a high standard of health, duties become difficult or impossible to perform, and our whole efficiency is lessened." Thus the preservation and development of the physical 'talent' confided to us becomes a duty. The idea must absolutely be abandoned that there is anything of divine appointment in preventible evil, in the sense of its being opposed to God's will that evil should be remedied. Evidently when the Central Love became incarnate to perfect imperfection, and to thus bring to an end suffering, which is the means whereby imperfection is perfected—it was intended that we, incorporate with Him, should pursue the same end.

(84.) Mr. Morison writes—"The theological doctrine that there is no such thing as merit in the sight of God, that all we have has been received as a free gift, admits of a plainly scientific expression as a matter of fact." Of course it does. Would Mr. Morison be surprised to learn that the Epistle to the Romans is pure science according to the most advanced lights of the present day; that the writers of the New Testament have stated truths in the clearest terms of modern science? "They did not mean to be scientific," writes Professor Drummond, "only to be accurate, and their fearless accuracy has made them scientific." As by development a certain combination of matter became fit to receive natural life—how communicated we cannot tell; so by development a certain organization of natural life became fit to receive Spiritual Life—how communicated we are told by Christ. "The protoplasm in man has something in addition to its instincts and its habits" (shared with lower natural organisations). "It has a capacity for God. In this capacity for God lies its receptivity; it was the very protoplasm that was necessary" so writes the Professor, and he proceeds to show that receptivity is man's sole share in the process of the 'new birth'—receptivity which was itself *bestowed* upon him. This, as he says, is a humbling conclusion, but it is forced upon us not only by modern science, but by the science of the first century. "Observe the passive voice in these sentences: "*Begotten* of God;" "*The new man which is renewed* in knowledge after the image of Him that created him;" or this, "*We are changed* into the same image;" or this, "*Predestinate to be conformed* to the image of His Son;" or

again, "Until Christ *be formed* in you ;" or "except a man *be born again* he cannot see the kingdom of God ;" "except a man *be born* of water and of the spirit he cannot enter the kingdom of God." There is one outstanding sentence which seems at first on the other side : "work out your own salvation with fear and trembling ;" but as one reads on he finds, as if the writer dreaded the very misconception,—the complement, "For it is God which worketh in you both to will and to do of His own good pleasure."

(85.) It may be granted to Mr. Morison that the above doctrine does away with moral responsibility : and further, "that the sooner the idea of moral responsibility is got rid of, the better it will be for society and moral education . . . What do we gain by this fine language as to moral responsibility ? The right to blame, and so forth. Bad men are not touched by it . . . Nothing is gained by disguising the fact that there is no" (human) "remedy for a bad heart, and no substitute for a good one." There is, indeed, no human remedy for a bad heart. The degree of imperfection implied in that expression, and the lesser degree of imperfection implied by 'a good heart,' can alike be remedied only from without. David knew this by intuition, and he cried "create in me a clean heart, O God, and renew a right spirit within me." Whence came this intuition, whence the desire, who inspired the cry ? Again we must look outside of the creature to the Creator, who inspires his entire creation with the desire for, and gives it the 'new birth,' the power of progress towards perfection,—"not of him that willeth, nor of him that runneth, but of God that sheweth mercy." So far Mr. Morison and his school may be right—and what then ? Can they not see that the Central Love *is* doing this ; that the whole creation *is* progressing—and has been progressing—from the time that it was nothing but a fiery cloud, or whatever forms of matter were before that—progressing towards perfection and union with the Central Love ? Can they not understand that, in Paul's noble words, "we *all*, with open face beholding as in a glass the glory of the Lord, are changed into the same image from glory to glory, even as by the spirit of the Lord ?"

(86.) Although Mr. Morison perceives that imperfection can do nothing of itself for evolution towards perfection, it is not very clear how he would propose that this object should be attained. His only contribution is a remarkable proposal to suppress the more imperfect in each generation "in some effectual way, and above all, to prevent his leaving a posterity as wicked as himself." Mr. Morison must be aiming at something very far short of completeness. Perfect the natural man

as we will, he still remains a member of the organic kingdom. No such perfecting can lift him into the kingdom above, any more than the perfecting of a mineral can lift it from the inorganic kingdom into the kingdom above. The *maximum* of the inorganic may equal in beauty the *minimum* of the organic kingdom, but it is a different thing. The latter is, as Professor Drummond points out, at the commencement of its development, with infinite possibilities before it—even up to the stage of man: “it doth not yet appear what it shall be.” In so far as moral failure is part and parcel of physical imperfection, doubtless the amelioration of physical imperfection (not necessarily by the cattle-breeding process recommended by Mr. Morison) will go far to diminish moral failure. Yet, polish up man to the ‘nth,’ and he still remains *man* of the original type—however perfected. The “new birth” is still required, to lift him from the organic into the spiritual kingdom; to change natural man into regenerate man of the species following the type Jesus Christ.

(87.) Experience so far has shown that there is no artificial means of obtaining a new type. That comes in accordance with some law beyond the scope of our present faculties. Its appearance is mysterious and sudden. Still more so the translation into a new kingdom. *A fortiori* the appearance of the new type of man, commencing its evolution in the spiritual kingdom, is sudden, mysterious, and entirely beyond spontaneous effort or human means. It “is born not of blood, nor of the will of the flesh, nor of the will of man, but of God.” The connection between the Central Love and that power of love latent in individuals is effected instantly, and the attraction thus set up overcomes every repulsion which intervenes. Mr. Morison appears, in some measure, to understand this. He writes “a passion of pure love has often saved a man from a swarm of minor vices. All the famous and sudden religious conversions from evil living to righteousness may be traced to the same principle.” How inconsistent then, is his condemnation of Roman IX, which, he says, has probably “added more to human misery than any other utterances made by man.” St. Paul was only quoting from Isaiah and Jeremiah, and what those Prophets stated is evident to us all. As mankind can know nothing of the method of making the pots, but *can* know, by the intuition obtained in the ‘new birth,’ the supreme intensity of the Central Love which tempers the pots, there can be little difficulty for Christians in leaving the matter to that Power—with entire confidence that, tempered and retempered, the pot will reach its perfect dimension at last.

(88.) The rest of Mr. Morison’s book needs no remark. The service of man, which he advocates, is the service of God

—to which Christians are inevitably drawn in the ‘new birth.’ Those who have received this, between whom and the Central Love connection has been established, must necessarily long to see the same in others. Their feelings are those of St. Paul, before quoted from Romans IX. How can they help feeling the longing to show by self-sacrifice the intensity of their love and gratitude? To talk to such people of merit in this, of virtue in their own case, and of the reward of their virtue, is to move them to laughter. Like St. Paul they know that they have not apprehended, and, in this life, cannot apprehend; ‘but this one thing they do, forgetting those things that are behind, and reaching forth unto those things that are before, they press towards the mark for the prize of the high calling of God in Christ Jesus.’

It is probable that as time heals differences; as the Spirit of Truth continues His work; as science sees deeper into God’s methods, and recognizes the scientific accuracy of the description given of them in the New Testament; as Theology abandons its attitude of suspicion, and looks more and more to the revelation which God vouchsafes to science;—then Positivist and Materialist, Sceptic and Agnostic, all those to whom God vouchsafes a sincere desire to find Him, will meet with Christians on one common ground, the apprehension of God’s love. And as to each arrives, here or hereafter, the ‘new birth,’ he will be at last “persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord.”

H. GREY,

*Commissioner, Delhi Division.*

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## ART. X.—SOME LEGAL AND CONSTITUTIONAL ASPECTS OF THE CRAWFORD CASE.

THE literature of the Crawford Case in the public press has been so voluminous, that the difficulty is, among the various questions which have been raised, to select those, a discussion of which may be said to be especially appropriate. It is not desired to touch upon certain political aspects of the case: nor is it expedient to discuss the evidence upon which the accused was tried, or the verdict of the Commissioners. But taking certain leading facts as undisputed, it may be profitable to consider what bearing they have on the difficult administrative problem in India. There has been in the case a vast expenditure of words as well as money; but this will not have been altogether thrown away, if certain leading points have been established, which may prove a guide in future cases of a similar description. A few introductory remarks are necessary, explanatory of the persons and facts concerned. Mr. Crawford was a Commissioner of a Division in the Bombay Presidency. Judging from the description given by the Special Commissioners in their report, this office is apparently one of great responsibility. The Commissioner has six or more Collectorates under him, and in all matters of importance he is the channel through whom Government must be approached. He is also the master of a large amount of patronage. The native District Officer is known as Mamlatdar, and seems to answer to the Tahsildar or Deputy Collector of other parts of India. Every Mamlatdar is the local Magistrate, and the chief Revenue Officer of a group of villages, known as a taluka. Practically the Mamlatdar is supreme in his taluka, subject only to the supervision of the Assistant Collector, who is in charge of two or three talukas, and in his turn is subject to the supervision of the Collector of the Zilla or District, which contains from 6 to 12 talukas. About six districts go to make up a Commissionership. As the appointment to the office of Mamlatdar is vested entirely in the hands of the Commissioner, it is evident that the patronage exercised by the latter official is one of the most important functions of his office.

Some time in the hot season of 1888, a native official of

some standing—Assistant to the Director of Agriculture—addressed the Bombay Government, calling attention to the fact that Mr. Crawford was largely indebted to natives within the limits of his Division, and also that it was notorious that money was paid in connection with the various appointments in the gift of the Commissioner. This was not an anonymous communication, on which Government might or might not take action. It was a deliberately expressed accusation by a public officer, and by its very nature demanded further enquiry. This apparently was done by seeking information from a Mr. Pendse, who was the head of the English office under the Commissioner, and who would thus necessarily be acquainted with much that was said to have gone on in that office. That information seems to have led Government to take the next step of calling in the Inspector-General of Police, Mr. Ommaney, who was at once directly empowered on the part of Government to give a guarantee to all witnesses in the following terms:—

- (a). "Immunity from prosecution to any person giving evidence."
- (b). "In cases of payments for promotion, or to obtain or avoid transfers, immunity from official or departmental punishment or loss, subject to the stipulation that the evidence given is the truth, the whole truth, and nothing but the truth."

The stipulation naturally belongs to both branches of the guarantee. Taking that for granted, it is to be noticed that the immunity from official or departmental punishment or loss was promised to those only who confessed to payment made for promotion or to obtain or avoid transfers.

The Inspector-General of Police (Mr. Ommaney) has recorded his opinion, giving his reasons at full length, that "it is absolutely certain, that without the guarantee, no word of direct evidence would have been elicited." This, indeed, is self-evident. According to the Indian Penal Code, the giver\* of a bribe is equally guilty with the taker. But in addition to the penalties imposed by the law, every official must have seen that, to come forward and admit that he had paid money to obtain the promotion to which perhaps he considered he was fairly entitled, or to obtain a transfer to a more healthy climate, or to avoid a transfer to a less healthy one, was to court degradation from the promotion or location which he had obtained at a considerable expense.

As to the immunity from criminal prosecution it is unnecessary to say much. One of the Judges of the Bombay

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\* See s. 116 P. C. ill. (a).

High Court, in a published minute, has shown that in England the King's pardon to an officer coming into his office by a corrupt bargain, may save such officer from any criminal prosecution in respect of the corrupt bargain. There is no reason to suppose that the same principle does not hold good in this country. An analogous principle is to be found in the section of the Criminal Procedure Code, under which certain Judges and public servants cannot be prosecuted for offences of which they are accused as such Judges or public servants, except with the previous sanction of Government.\*

The question as to the legality of the promise of immunity from departmental punishment or loss is far more difficult. The only well-known precedent is the famous case of the Earl of Macclesfield, who about a century and three quarters ago, was impeached before the House of Lords by the House of Commons, the offence of the accused Earl being that he had, as Lord Chancellor, accepted moneys from the Masters in Chancery on their admission into their offices. There was no doubt about the facts, which were admitted, the Earl's advisers contending that the payments were not in themselves illegal, but according to a well-known custom. So far there was no difficulty in persuading the Masters who had made the payments to admit the same.

But there was this difficulty, that by the Statute 5 and 6, Edw. VI, c. 16, which applied to all offices relating to the administration of justice or services of trust, every person paying money for his office was forthwith adjudged a disabled person in the law to all intents and purposes, to have, occupy, or enjoy the said office. It was obvious that, with the terror of this statute hanging over them, the Masters in Chancery would refuse to give evidence which would immediately deprive them of these offices ; and there was no power by which they could be compelled to give evidence incriminating themselves. The obvious remedy for such a state of things was, to pass an Act insuring to the Masters who gave evidence, the full enjoyment of their offices without fear from punishment or loss. This was accordingly done.

Was a similar remedy feasible in the present case ? At the outset it is evident that there would have been great difficulty in obtaining an Act of the Legislative Council without spoiling the evidence for the prosecution. It must naturally have been to the interests of several persons to burke further inquiry. If once information had got abroad of what was being done, not a stone would have been left unturned to break up the prosecution. But even, supposing that by speedy and confi-

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\* s. 197 C. P. C.

dential communications between the Bombay Government and the Government of India, arrangements could have been made for an Indemnity Act being introduced and passed in one sitting, the further question\* arises, whether the Indian Legislature can pass an Act overriding an Act of the Imperial Legislature, and, in fact, affecting the prerogative of the Crown. For it is clear that by 49 George III, c. 126, the provisions of 5 and 6, Edw. VI., c. 16, were made applicable to certain offices in India, and it was provided that all appointments forfeited under the Act were immediately to vest in, and belong to, His Majesty, his heirs and successors. Passing by these difficulties, there remains the interesting question, whether the Statute 49, George III, c. 126, does really apply to such an appointment as that of Mamlatdar. It seems to have been taken for granted that it extended 5 and 6, Edw. VI., c. 16 to *all* Indian appointments. Stephen, in his Digest of the Criminal Law, Arts. 133 and 134, treats of "selling offices," and "making interest for offices for reward," quoting in the foot-notes 5 and 6, Edw. VI., c. 16, s. 1, and 49 George III, c. 126, ss. 2, 3 and 4, while Art. 132, in the foot-note of which are quoted 5 and 6 Edw. VI., c. 16 and 49 George III, c. 126, s. 1, runs as follows :—

"DEFINITION OF OFFICE. The word 'office' in Articles 133 and 134 includes every office in the gift of the Crown, and all commissions, civil, naval, and military, and all places or employments in any public department or office whatever, in any part of Her Majesty's dominions whatever, and all deputations to any such office, and every participation in the profits of any such office or deputation." The question is, whether that definition is correct. There is nothing in 5 and 6 Edw. VI., c. 16, defining the 'office' beyond that the Act purports to apply to "those Courts, places, or rooms where there is requisite to be had the true administration of justice or service of trust." There remains then sec. 1 of 49 George III, c. 126. After reciting the provisions of 5 and 6, Edw. VI., c. 16, it proceeds :—

"The said Act, and all the provisions therein contained, shall extend and be construed to extend to Scotland and Ireland, and to all offices in the gift of the Crown, or of any office appointed by the Crown, and all commissions, civil, military, or naval, and to all places and employments, and to all deputations to any such offices, commissions, places or employments in the respective departments or offices, or under the appointment or superintendance and control of the Lord High Treasurer or Commissioners of the Treasurer, the Secretary of State, the Lord Commissioners for executing the office of Lord High Admiral, [the Master-General

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\* [It would appear that the Indian Legislature can pass such an Act, provided it does not derogate from the prerogative of the Crown. 24 and 25 Vic., c. 67, ss. 22, 52.—ED.]

and principal officers of Her Majesty's ordnance], \* the Commander-in-Chief, [the Secretary of War, the Paymaster General of Her Majesty's Forces, the Commissioners for the affairs of India, the Commissioners of the Excise, the Treasurer of the Navy, the Commissioners of the Navy, the Commissioners for Victualling, the Commissioners of Transports, the Commissary General, the Store-keeper General], \* and also the principal officers of any other public department or office of His Majesty's Government in any part of the United Kingdom, or in any of Her Majesty's dominions, colonies, or plantations, which now belong, or hereafter may belong to His Majesty, *and also to all offices, commissions, places and employments belonging to, or under the appointment or control of the United Company of Merchants trading to the East Indies.* in as full and ample a manner as if the provisions of the said Act were repealed as to all such offices, commissions, places and employments, and made part of this Act."

Now if Sir J. Stephen is correct in his assertion, that the effect of the above provision is to apply the Act 5 and 6 Edw. VI., c. 16 to "all places or employments in any public department or office whatever in any part of (His or) Her Majesty's dominions whatever," then it is strange that simpler and briefer language was not used. To come to the various clauses of the section, it is evident that the office of Mamlatdar is not in the gift of the Crown or of any office appointed by the Crown. It is in the gift of the Commissioner of the Division, who is appointed by the Bombay Government. Nor is a Mamlatdar the principal officer of any public department or office of Her Majesty's Government in any part of Her Majesty's dominions. But if the word *of* and not *to* be read before the words "the principal officers" in the above clause, then it can fairly be said that the place of Mamlatdar is in the department or office, or under the appointment or superintendence and control of the Commissioner, who is the principal officer of the Revenue Department of Her Majesty's Government in a Division of the Bombay Presidency. So, too, in one sense it may be said, that the office of Mamlatdar is one under the control† of the Secretary of State for India, who now represents the East India Company: for the Secretary of State practically controls every official in India. But the objection to the above interpretation is that it proves too much. If the Act applies to every employment in every public department, then the lowest menial, whose name is borne in the list of employés of any office, comes within the terms of the Act. Not long ago there was a report in the Bombay papers of the case of a man who

\* [The words we have placed in brackets were repealed by the English Statute Law Revision Act (No. 2).—ED.]

† [Yes, in one sense. See 3 and 4 Will. IV., c. 85, s. 75. But the only officers who are strictly under the control of the Secretary of State, are those who are not removable except with his sanction.—ED.]

charged an accused person before a Presidency Magistrate with cheating, in that the accused took from him the sum of Rs. 12 promising, in consideration of the said payment, to procure for him the post of peon in the High Court, the duties of which office, he was told, consisted in carrying the Judge Saheb's tiffin-basket to the Court. Now it is clear from this complainant's admission, that he gave a reward or profit for the purchase of an office, and if the Act in question applies to any office whatever, then this man "shall be deemed and adjudged guilty of a misdemeanour." The law is imperative: The man who pays anything as a consideration for getting any office or employment is not only to be deprived of such office if he obtains the same, but *he must be prosecuted as well*. (See the remarks on p. 211 of "The Quarter" in the July No. of this Review).

Where and how must he be prosecuted? Our Penal and Criminal Procedure Codes do not recognize any offence under the term "misdemeanour." There is no punishment provided for such a crime.\* Reference may, no doubt, be made to the Act 42, Geo. III, c. 85—"an Act for the trying and punishing in Great Britain persons, holding public employments, for offences committed abroad." Curiously enough there was recently a prosecution under this very Act before Baron Pollock and a special jury. (See the case of *The Queen vs. Turner*, *Times* Law Reports, 7th August 1889). The defendant in that case had been acting Consul at Buenos Ayres, and the charges against him practically classed themselves into those of misfeasance and malversation in his office, neglecting to keep proper books and render proper accounts to the departments in England. His counsel admitted that there was no defence to the charge and indictment for a misdemeanour. But would the Act of 42 Geo. III, be applicable to the person above mentioned, or to the Bombay official whose case is now under consideration? The Act provides that in the case of any one holding or exercising any public station, capacity, or employment out of Great Britain, and committing any crime, misdemeanour or offence in the execution, or under colour, or in the exercise of such station, office, capacity or employment, every such crime, &c., may be prosecuted or enquired of, or heard and determined in the Court of King's Bench. Can it be said that the officials to whom the guarantee was given, did, in the execution, or under colour, or in the exercise of their office, make the

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\* [It would appear that in such cases the substantive law and punishment to be applied are the English Criminal law, while the procedure should be that of Indian law. See e.g., 33 Geo. III. c. 52, s. 152, s. 156 and 7 Bom. H. C., 128 : also 1 B.L.R., Orig. Cr. I. See our "Comparative Criminal Jurisprudence," vol. I., pages 3, 255.—ED.]

payments which they admitted, to obtain promotion, &c.? Whether this question be answered in the negative or the affirmative, difficulties still remain. If in the negative, then how must the misdemeanants be adjudged guilty? If in the affirmative, then must all the self-incriminating officials be sent to England to appear in the Court of Queen's Bench.\* In the same way, if the Act of 49 Geo. III applies, does it not follow that no Indian official can fill up the vacant appointments, the right of which was absolutely vested in Her Majesty?† The fourteenth section of this Act requires notice. It provides that all offences committed against the provisions of 5 and 6, Edw. VI, c. 16, and this Act, by any Governor, Lieutenant-Governor, or person having the Chief Command, Civil or Military, in any of Her Majesty's dominions, colonies or plantations, or his or their Secretary or Secretaries, may and shall be

\* [We think not. Is not the Westminister King's Bench jurisdiction merely *supplementary*? See preamble to 42 Geo. III. c. 85 :—"Whereas persons holding and exercising public employments out of Great Britain often escape punishment for offences committed by them for want of Courts having a sufficient jurisdiction *in. or by reason of their departing from, the country, or place where such offences have been committed, and that such persons cannot be tried in Great Britain for such offences as the law now stands*, inasmuch as such offences cannot be said to have been committed within the body of any county, &c."]. Does not this assume that there was no difficulty about the prosecution in India? Is there any instance of the Supreme Court ever having failed to act on the maxim *boni judicis est ampliare jurisdictionem*?]

Now s. 1 of this Act, which speaks of all persons employed in the public service, enacts that they *may* be prosecuted and enquired of and heard and determined in the Court of King's Bench. Sec. 14 of 49 Geo. III. c. 126 (quoted by the Reviewer) uses the words *may* and *shall*, but the only persons enumerated in the section are "any Governor, Lieutenant-Governors, or persons having the Chief Command, Civil or Military, in any of His Majesty's dominions, colonies, or plantations, or his or their Secretary or Secretaries." Possibly the word "shall" is to be read only with "heard and determined." If they are prosecuted at Westminister, the procedure shall be the same as, &c. But it may be that it was thought advisable that such high officials should be prosecuted only in England. However that may be, the preamble to 42 Geo. III. c. 85 shows that such offences might be tried in India. It recites 11 Will. III. c. 12, 13 Geo. III., c. 63, and 24 Geo. Sess. 2, c. 25. Now 13 Geo. III. c. 63 refers to the receipt of presents, and s. 39, which permits trial in the King's Bench, runs on as follows: "and all such persons so offending, *and not having been before tried for the same offence in India, shall, on conviction, &c.*" The last-mentioned Act provides for the taking of depositions in India, owing to the difficulty of proving in England offences committed in India. Subject to s. 197 C.P.C., could not a District Magistrate institute cases under these Statutes, and give (within his powers) such punishment as is provided by English law, the trial being conducted according to Indian procedure?—ED.]

† [Is not this modified by subsequent enactments, e.g., Charter Act of 1833, s.s. 75, 78?—ED]

prosecuted and enquired of and heard and determined in His Majesty's Court of King's Bench at Westminster in like manner as any crime, offence, or misdemeanour committed by any person holding a public employment abroad may be prosecuted and enquired of under the provisions of the Act 42, Geo. III, c. 85. The special mention of this latter named Act is note worthy, and suggests the question whether the Act was intended to apply to every office in every department in the East Indies.

Enough has been said to show that the whole matter is one of extreme difficulty. One thing is clear, and that is, that with our Penal Code there is not the slightest necessity for any one of these Acts, certainly as regards the subordinate officials in this country. If an Indemnity Act is to be passed upholding the guarantee, the opportunity can be taken of removing all doubts, and making it clear for the future that the Act of 49 Geo. III is not in force in India. If it be necessary to wait till the next Session of the British Parliament for this to be done, there need be no anxiety about the delay. The 5 and 6 Edw. VI., c. 16, which is made part of the 49 Geo. III, c. 126, provides that all acts done by any person, by authority of the office which ought to be forfeited, before such person be removed from the office, shall remain good and sufficient in law in such like manner as if the Act had never been passed. No difficulty therefore will be felt even though we may have to wait till next year for the whole matter to be cleared up. It is manifestly inexpedient that there should be any uncertainty about such points as have been indicated above, for it will be many years yet before native officials will be taught to universally look on the purchase of an office as an immoral act. If it be the fact that, under the law as it at present stands, any official of whatever rank, in whatever department in India, commits a misdemeanour, who does any of the following things directly or indirectly :—

- (a.) Receives, or agrees to receive any reward or profit for any interest, request or negotiation about any office, or under pretence of using any such interest, making any such request, or being concerned in any such negotiation :
- (b.) Gives, or procures to be given any profit or reward, or makes or procures to be made any agreement for the giving of any profit or reward for any such request or negotiation as aforesaid :
- (c.) Solicits, recommends, or negotiates in any manner, as to any appointment to, or resignation of, any office in expectation of any reward or profit ;

and, in the same way, if every one commits a misdemeanour who does any of the following things in respect of any office, or

any appointment to, or resignation of any office, or any consent to any such appointment or resignation, that is to say, every one who directly or indirectly—

- (a.) Sells the same or receives any reward or profit from the sale thereof, or agrees to do so :
- (b.) Purchases, or gives any reward or profit for the purchase thereof, or agrees or promises to do so ;

and if whoever commits either of these misdemeanours upon its commission, forfeits to the Queen any right which he may have in the office, and is disabled to hold it for life, and it is not lawful for the Queen to dispense him from such disability ; [all the above is taken from Stephen's Digest,] then the sooner the above law is declared inapplicable to India the better.

To return to the narrative of events : Mr. Ommaney, being instructed to give the guarantee above described, apparently had no difficulty in procuring evidence in abundance, which resulted in a criminal complaint being laid against Hanmantrao in the Magistrate's Court, and the suspension of Mr. Crawford. Hanmantrao, according to his own showing, was to Mr. Crawford what Cottingham had been to the Earl of Macclesfield. The result of his arrest may be told in a few words : He was tried by the District Magistrate of Poona, the principal witnesses against him being certain "guaranteed" officials, and he was convicted of an offence under section 161 of the Indian Penal Code. He appealed to the Sessions Judge of Poona, but the conviction and sentences were affirmed. He made no further attempt to contest the justice of his conviction ; and subsequently, while in jail, he made a detailed statement giving a history of his career.

The result of Mr. Crawford's suspension was his attempted flight. In order to prevent his escape from Bombay harbour, a complaint was laid against him in the Poona Magistrate's Court, and he was brought back to Poona, and at once set at liberty on substantial bail being given. After some delay the sanction to his criminal prosecution was withdrawn by Government, and it was determined to proceed against him under Act XXXVII of 1850, (For regulating inquiries into the behaviour of Public Servants.) This action, taken by Government, suggests some interesting legal points. In the first place it was contended that Government, having instituted the criminal prosecution for alleged offences under the Indian Penal Code, had no power to put an end to that prosecution, and accordingly Mr. Crawford's advisers made an application to the Sessions Judge of Poona, to call for the Magistrate's proceedings, and to report them to the High Court with a view to the Magistrate's order being set aside, so that enquiry

on the criminal complaint might proceed in the ordinary way. The Sessions Judge rejected this application, holding that, as according to the Criminal Procedure Code, no prosecution of Mr. Crawford in the Magistrate's Court could proceed without the sanction of Government, and as Government had withdrawn that sanction, it followed that the magisterial proceedings came to an end, and no power, except that of Government, could resuscitate them. This view is apparently correct: it was not further contested by Mr. Crawford's advisers.

A more interesting question arises as to the reason which led Mr. Crawford's advisers to insist on the prosecution before the Magistrate being proceeded with, and led Government to withdraw the sanction to that prosecution, so that the enquiry might not be made in the ordinary Criminal Courts. The papers which have now been made public show, that the reason was the same, *i.e.*, the supposition that if the complaint in the Magistrate's Court had been proceeded with, Mr. Crawford must eventually have been tried in the Bombay High Court before a jury of his own countrymen of the Presidency town. On both sides it seems to have been admitted that, under such circumstances, Mr. Crawford stood a very good chance of being acquitted. The exact reason for this idea is not very apparent. Possibly it was due to the supposition that, in the presidency towns the anti-official feeling is stronger than in the mofussil, and that this being a Government prosecution, the sympathy of the jury would naturally be on the side of the accused. There are rumours also as to the idiosyncrasies of Bombay jurors in favour of acquittals: indeed, we have heard it said, that if A. commits murder in broad daylight on the Esplanade, Mr. Justice—and a Bombay jury will acquit him. This, of course, may be an exaggerated way of describing the large percentage of acquittals in the Criminal Sessions in the Bombay High Court. But the point to be noticed is that, if the complaint against Mr. Crawford had proceeded in the Poona Magistrate's Court, it is most improbable that he would eventually have been tried in the Bombay High Court. The provisions of the "Ilbert Bill" (Act III of 1884) seem to have been totally ignored. No doubt the accused could have claimed to be tried by a jury, of which not less than half the number should be Europeans or Americans, or both Europeans and Americans; and, if in the opinion of the District Magistrate the offence could not have been adequately punished by him (the limit of his powers in such cases being six months' imprisonment and Rs. 2,000 fine) he would have

committed the accused to the Poona Court of Session ;\* and the only way in which the case could have been moved from that Court to the High Court, would have been by an application under section 526 of the Criminal Procedure Code, in which case it would have been necessary to show—

- (a.) That a fair and impartial inquiry or trial could not be had in the Poona Sessions Court, or
- (b.) that some question of law of unusual difficulty was likely to arise, or
- (c.) that a view of the place, in or near which the offences had been committed, would be required for the satisfactory inquiry into or trial of the same, or
- (d.) that an order under this section would tend to the general convenience of the parties or witnesses, or
- (e.) that such an order was expedient for the ends of justice.

Most of these clauses have manifestly no application. There was no question of law even of ordinary difficulty. As the report of the Special Commissioners show, the question was simply as to the appreciation of evidence. No view of the place was necessary. The removal of the case to Bombay would not have tended to the convenience of the witnesses, who nearly all belonged to the Deccan. Poona is a large place, and it is difficult to suppose that there are not numerous non-officials in the list of jurors. Indeed, the only reason that can be imagined, on which an order of removal might have been deemed expedient for the ends of justice, was the high position of the accused person, and the supposed necessity for his being tried in a Court presided over by a Sessions Judge who had not been his junior in the service. It is questionable whether this would have been considered a valid reason by the Bombay High Court. But putting this aside, and assuming that Mr. Crawford would have been tried in a Criminal Court, whether in Poona or Bombay, fairly competent to try him, it may be seriously asked, what advantage was to be expected from removing the case from the ordinary Courts to a special Commission ? Assuming that the Court before which the case would eventually have come, was likely to be too rigidly bound by the formal rules of evidence, is there any reason to suppose that Special Commissioners, under Act XXXVII of 1850, would not feel themselves equally bound ? No rules of procedure would have been in the way in a Criminal Court. Three charges might have been tried in

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\* [In the case of Magistrates outside a Presidency town, the commitment must be to the Court of Session. It is only in the case of offences punishable with death or transportation for life, that the commitment shall be to the High Court. s. 447 C.P.C.—ED.]

one trial, and any number of such threefold cases could have been proceeded with, one after the other. There would, indeed, have been a positive advantage in the procedure of the ordinary Criminal Courts, for, as new cases came to light, they would have been brought forward without any opposition ; whereas before the Commissioners an attempt was made to bring forward the "Akalkot case" which had not been included in the original list of charges, and the Commissioners refused to hear it. Under section 22 of Act XXXVII of 1850, "Government may order additional articles of charge to be framed, in which case the inquiry into the truth of such additional charges shall be made in the same manner as is herein directed with respect to the original charges." The Commissioners seem to have read this as necessitating the appointment of fresh Commissioners, of the formal re-appointment of the old Commissioners, and accordingly declined to inquire into the "Akalkot case." This view is a very questionable one ; but the Bombay Government apparently did not think it worth while to contest the point. There is, again, another positive disadvantage in the procedure laid down by the Act. Under section 10, "a copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused at least three days before the beginning of the inquiry, exclusive of the day of delivery and the first day of the inquiry," and by section 14 no new evidence may be brought forward except with the special permission of the Commissioners. There is no such hampering rule in the Code of Criminal Procedure : until the prosecution closes,\* any available evidence may be adduced.

But there is a further objection to the resort to Act XXXVII of 1850 in such a case as the one now under consideration. The Act is "for regulating inquiries into the behaviour of public servants." It is submitted that it was never intended that the Act should apply to cases in which specific offences under the Indian Penal Code are alleged against public servants : it was meant to apply to cases of "behaviour," i.e., cases in which the offender is said to have been guilty of conduct not becoming the position of a high public servant, though he might not have actually transgressed the ordinary penal law.

Act XXXVII of 1850 provides for "a formal and public inquiry into the truth of any imputation of misbehaviour by any person not removable from his office without the sanction of Government." It is absurd to say that the charges against

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\* [Evidence which appears essential must be taken at any stage of a case, s. 540, C.P.C.—ED.]

Mr. Crawford were mere imputations of misbehaviour. The point is one of importance, not merely as affecting Mr. Crawford's case, which is now a thing of the past, but as affecting any future cases of misconduct which may be hereafter alleged against public officers of high position.

So much for the Commission proper, and lessons to be learned from it. Some legal offshoots of the case now call for notice, and will repay consideration.

As shown above, Hanmantrao, who was alleged to be Mr. Crawford's "Cottingham" or general agent, had been tried and convicted in August-September 1888. In that trial certain "guaranteed" officials had given evidence implicating themselves. The report of the Special Commissioners shows that they commenced their inquiry into the charges against Mr. Crawford on the 23rd October 1888. On the next day one Ganesh Narayen Sathe laid a criminal complaint in the Poona Magistrate's Court against six of the officials who had given evidence, charging them with offences under sections 162, 163 and 109 of the Indian Penal Code. These very men who were thus accused were to give evidence before the Commission then sitting, and Sathe has since admitted, in a deposition on solemn affirmation, what indeed was self-evident from the first, that his sole object in laying the complaint was to prevent the fact of Mr. Crawford having taken bribes being proved from the mouths of these witnesses: in short, he wished to intimidate the witnesses and prevent them from deposing according to their evidence in the Hanmantrao trial, by showing them that by their self-incriminating statements they laid themselves open to criminal prosecution. The District Magistrate examined Sathe on solemn affirmation when he took the complaint, and finding that Sathe disavowed all personal knowledge of the alleged offences, the complaint being simply based on newspaper reports, he dismissed it, holding that in his judgment there was not sufficient ground for proceeding (section 203 Criminal Procedure Code.) Sathe was not dissatisfied: he had attained his object of frightening the witnesses, as he promptly published in the newspapers a copy of his complaint, thus in effect saying to the witnesses, "See what a rod in pickle there is in store for you." So Sathe took no further action. But the newspapers were also seen by a Judge of the local High Court, and he called for the proceedings and for a report from the Magistrate as to why he had dismissed the complaint. The Magistrate naturally replied:—because the sole object of the complainant was to intimidate the principal witnesses in an important State trial. If this was not in his judgment, and in the judgment of everyone

else, sufficient ground for not proceeding, it is difficult to imagine what would be sufficient ground. Thereupon the High Court issued notices to the accused officials to show cause why the Magistrate's order dismissing the complaint against them should not be set aside. The matter eventually came on before a Full Bench of the High Court, which decided that—

- (1.) The Magistrate could not dismiss the complaint under section 203, until he had examined the complainant, and this he appears not to have done. As the complainant was not examined by the Magistrate, it is impossible to say whether or no there was other evidence forthcoming in support of the prosecution.
- (2) The Magistrate, in regarding the complainant's motive, failed to exercise his discretionary powers of summary dismissal within the limits assigned to it by section 203, and what he had to consider was, whether there was *prima facie* evidence of a criminal offence, which in his judgment called upon the alleged offenders to answer; the inquiry before the Crawford Commission was a matter entirely outside the facts bearing on the alleged offence, which the Magistrate could not therefore import into the question before him.

With regard to the first point, it is to be noted that without seeing Sathe's original complaint, it is impossible to say whether it bears the record of his examination by the Magistrate. It is clear from his own petitions published in the newspapers that he was examined: He said; "I have already been examined on oath by Mr. Vidal at the very time I presented the complaint."

With regard to the second point the correctness of the broad principle of law laid down seems clear. As was said in the judgment of the Full Bench, "the motives by which complainants are treated (? actuated) must necessarily be of the most varied description, and any attempt to determine them would open out a very wide and speculative field of inquiry." But with submission it may be asked, whether, to speak more accurately, the mistake of the Magistrate was not rather that he dismissed the complaint instead of postponing taking action thereon. He may have been quite wrong in noticing the complainant's motives, but was he not bound to take judicial notice of the obvious result of his immediately issuing process against the accused persons? Suppose the charge against these persons had been that they had

intentionally given false evidence in proceedings before a Committing Magistrate, and they were about to repeat that evidence on the morrow in the Sessions Court, no High Court in the country would say that a Magistrate in refusing to take immediate action on such a complaint had failed to exercise his discretion under section 203.\* So here, there is no doubt that the prosecution of Hanmantrao, and the inquiry into the charges against Mr. Crawford before the special Commissioners, were part and parcel of the same proceedings. It was impossible for the District Magistrate to ignore the "Crawford Commission," which was legally constituted by statute. What no doubt he might have done was to postpone taking action on Sathe's complaint till the proceedings before the special Commission were concluded. They were concluded when the Full Bench gave its decision, and therefore all that remained was to inform Sathe that he could renew his complaint before the District Magistrate, the former dismissal thereof for reasons which were temporary, not barring further inquiry.

The Full Bench returned the original complaint to the Magistrate to be dealt with according to law. Sathe did not relish this. He implored not to be forced to appear before the Magistrate. He said:—"In the matter of my complaint of the 24th October 1888, which, without any further action on my part, the High Court has, in the exercise of its powers of supervision, returned to this Court for a formal inquiry and disposal. . . . I beg most distinctly to inform you that I have no personal knowledge of the facts and circumstances of Mr. Hanmantrao's cases, but that my complaint was based simply and only on the reports of those cases as reported in the newspapers. . . . I have not a particle of other evidence to produce. . . . As to my intended examination on oath, I have already been examined on oath by Mr Vidal at the very time I presented the complaint. . . . There is no earthly chance of your eliciting anything more from me in the shape of evidence by subjecting me to any further examination." Eventually the Magistrate succeeded in getting hold of Sathe and examining him, but as the man could give no further information, and admitted having written the original complaint at the dictation of a notorious intriguer, and begged to be allowed to withdraw the complaint, the object in making it having ceased to exist "now that Mr. Crawford's case is over," the

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\* [In a case not nearly so strong as the one put by the Reviewer, the Calcutta High Court upset the order of a District Judge, directing prosecution of a witness for perjury, made before the close of the case, on the ground that such action might intimidate the other witnesses who had not been examined.—ED.]

Magistrate gave permission, and Sathe, well satisfied, was at last free from the magisterial proceedings. But the Judge of the local High Court was not satisfied, and again called for the proceedings, and eventually a Division Court, consisting of Scott and Jardine, J. J., in elaborate judgments, which filled many columns of the local newspapers, decided that—the Magistrate was quite wrong, but no further action was necessary! It would be hardly profitable to comment on those judgments in detail: it will suffice to mention one or two points which are of general importance. Mr. Justice Scott held that "in view of events which have occurred since the complaint was first lodged, I do not think the High Court is called upon, in its discretionary exercise of the revisional powers conferred on it by section 439, to remand the complaint once more." But was not that the very ground on which the District Magistrate had acted, and was it not directly contrary to the judgment of the Full Bench, which held that the discretion in such cases was simply to consider whether there was *prima facie* evidence of a criminal offence? Why should the discretion be different in the one case from the other? Also, Mr. Justice Scott held: "Had the matter been merely a private fraud, the Magistrate might perhaps have refused to listen to a complainant who was used as a tool by persons seeking to set justice in motion from a corrupt motive. But when the offence is against the public interests, the truth of the complaint, and the amount of evidence of crime it discloses, are alone considered." This may be good law in England, but it is submitted that there is not in the Criminal Procedure Code one single section that affords any foundation for such a distinction. According to the Full Bench decision the Magistrate was not entitled to look at any extraneous facts: all he had to consider was the evidence of the alleged offence.

In the same way Mr. Justice Jardine held:—"The complaint relates to the purchasing of the judicial office. The question then is, whether this offence is to be regarded as so slight as to justify a Magistrate in dismissing the complaint without discussing the incriminating evidence." And then, after copious reference to various and extremely ancient English authorities, the learned Judge held:—"I am of opinion that Mr. East (the Magistrate), in using the powers with which the law supplies him, ought to have brought more into his consideration the seriousness of the offence complained of, as viewed by Parliament, the Judicial Committee of the Privy Council, and the Indian Legislature." He also held that "as a matter of strict law we ought, perhaps, to enforce obedience to the judgment of the Full Bench," but there

were "doubts whether the complainant's motives are proper, and if he came here, either in this jurisdiction of revision or for an information, we would have to consider whether he has clean hands." But "we as Judges have no prerogative to sanction any violation of the law." Still "in the exercise of our revisional jurisdiction the Court has a certain amount of judicial discretion," and as the question of the self-incriminating officials was engaging the attention of the Secretary of State and the Governor in Council, it was inexpedient to take "any action which might intermeddle with the executive authority." Such was the final deliverance of the highest Court in the Presidency. One may with submission ask, whether it was not inexpedient, while the Crawford Commission was sitting, to intermeddle with the witnesses called by the executive authority before that Commission, and, in fact, to threaten them with the pains and penalties of criminal prosecution for giving the evidence which they were induced to give under a solemn guarantee from the executive authority? There is a still more startling instance of intermeddling with the executive on the part of the highest Court of the province, which, apart from the special circumstances of the Crawford case, raises an interesting point of constitutional law. The Judge who, as shown above, had called for the magisterial proceedings in the matter of Sathe's complaint, and in conjunction with a brother judge had issued notices to certain of the self-incriminating witnesses to show cause why they should not be criminally prosecuted, did at the same time record a minute for perusal by his brother judges, in which he contended that the High Court should at once call upon Government to immediately suspend or dismiss those self-incriminating officials who were exercising magisterial powers. His brother judge, who had joined him in directing notices to be issued to the officials as described above, also recorded a minute to the same effect, and as the rest of the judges of the High Court considered that it would be unconstitutional and improper for any such representation to be made to Government, these two dissentient judges, on their own individual responsibility, forwarded their minutes to the Governor in Council, calling on him to at once perform the "happy despatch" as regards the unfortunate self-incriminating Magistrates. The question whether these officials had by their self-incriminating statements there and then forfeited their offices need not now be discussed. The answer depends in a great measure upon the further question as to the applicability to all Indian appointments of the Acts 5 and 6 Edw. VI., c. 16, and 49, George III, c. 126. This question has been dealt with above. The dissentient judges apparently

relied on the quotation from Stephen,\* without referring to the Acts themselves, and took the matter for granted. But the important point for consideration is, whether the dissentient judges were entitled by law to publicly address Government with their individual remonstrances. In short, have individual judges of the High Courts in this country the power of interpellating Government on any matter regarding the administration? It must be remarked that this was not the case of one or more judges addressing private and confidential communications to Government, pointing out that certain action taken by the executive in an important State matter, was open to objection on the ground of illegality. But the protest of the dissentient judges was made in a markedly public manner, and their minutes and letters addressed to Government were subsequently sent to the newspapers. Government were thus placed in a most awkward position in the important inquiry before the Special Commissioners. The action taken by the dissentient judges in protesting to Government that the self-incriminating officials should be immediately suspended or dismissed, was as notorious as the action taken by the same judges in calling upon certain of the same officials to show cause why they should not be criminally prosecuted, the offences alleged against them being founded on the evidence which they had given, and had repeated or were about to repeat as Government witnesses in the important State inquiry then proceeding. So widespread was the consternation caused by the action of the dissentient judges, that it was openly asserted that, as Government had been warned by the highest legal authority in the province that the guarantee was not worth the paper on which it was written, Government felt bound to repudiate the same, and it was left for the Government officials who were witnesses in the State inquiry, to make the self-incriminating admissions at their own risk. So disastrous would have been the consequences of any belief in such an assertion, that Government felt bound to telegraph to the Advocate-General, who was then counsel before the Special Commission, and direct him to contradict publicly the statements in the newspapers regarding repudiation by Government of the guarantee given by Mr. Ommaney, the statements being "utterly devoid of any foundation." This telegram was pointedly referred to in the minute of one of the dissentient judges; and so it was with open eyes that these judges took action which was directly calculated

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\* It is, perhaps, needless to point out that Stephen's "Crimes and Punishments" and "Criminal Procedure" are Digests and not Codes of acknowledged law.

to provoke a collision between the judiciary and the executive. Nothing but Lord Reay's statesman like calm and moderation could have prevented the collision from taking place. The only minute besides those of the dissentient judges which has been published is that of Mr. Justice Scott, who recorded his opinion that the superintendence of the High Court would be of little avail, if self-incriminating Magistrates were allowed to remain in office, but that the High Court, acting as a body, and not as simple members of the public, would exceed their judicial and statutory powers, if they called upon Government to suspend or dismiss these men. It may be doubted whether Mr. Justice Scott is not wrong in his opinion as to the powers of the High Court as a body to address a remonstrance to Government on any general matter relating to the administration of justice, quite distinct from any specific case of alleged misconduct on the part of any judicial officer. Hitherto it seems to have been generally admitted that the Chief Justice of a High Court, as head of the department of justice in the province, for himself and for his brother judges, is at liberty to address Government on any matter of importance connected with the administration of justice.\* But here the Chief Justice and the other judge declined to make any representation to Government. Their reasons have not been published—at least, we have not been able to find them in the files of the newspapers at our disposal, but it may easily be surmised that they objected, at an important stage of the State inquiry then proceeding to do anything which might be regarded as "intermeddling, with the executive." By what authority then, it may be asked, could the dissentient judges override that opinion, and individually and publicly, as Judges of the highest Court in the province, remonstrate with Government?

The above remarks have been made in documents published in the press both in England and India. Various other interesting questions have been raised, *e. g.*, the folly of keeping on in the service officers who are notoriously involved, the danger in India of the steady reduction in allowances which is going on, and which may go so far as to threaten to make irregular gain once more a temptation, and the serious difficulty arising from the depreciated wages of the Indian services. Then there is the important question, how far the Secretary of State is entitled to set aside solemn pledges made by an Indian

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\* [Government would no doubt gladly receive and consider any suggestions from its Chief Justice in such matters; but the law confers no such power on the High Court more than on any other person. The extent of administrative superintendence of High Courts over Subordinate Courts is defined in 24 and 25 Vic., c. 104, s. 15. The powers of the High Courts are defined in their respective Letters Patent.—ED.]

Government. It is easy to understand that the pledge may be so highly disapproved of that the recall or forced resignation of the Governor, and perhaps of the members of his Council, would follow as a matter of course. But it is difficult to see how a solemn guarantee given by the representative of the Crown can be utterly set aside. Again, there is the most important statement made by Sir John Gorst in the House, that Parliament has no jurisdiction over the Government of Bombay, but only over the Secretary of State and his conduct in the matter. To discuss the correctness of this *dictum* would require more space than can be allowed at the end of the present article.

BARRISTER.

# THE QUARTER.

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## THE WEST.

### *Foreign Politics and Events.*

THE Quarter has been one of inter-regal visits. At Aldershot the German Emperor expressed a hope that the ancient fellowship, which had existed between the armies of the two nations, would long continue. In common with the Shah, he was much impressed with the magnificent display of ships at the Naval Review at Spithead, and remarked that he could not understand the English people always croaking about their unpreparedness for war. The Emperor Joseph of Austria has visited Berlin, and there the Emperor William declared that Germany would hold firmly to her alliance with Austria, and that both armies would fight shoulder to shoulder to maintain peace. An alliance consisting of England, Germany, Austria and Italy should certainly ensure peace!

The collapse of the Ottoman Empire seems to be a question of time. Wherever the Central Asiatic races come down to the west or south, they get severed from the original stock; so the Ottoman Turks have become absorbed in the population of the conquered country, and there is now very little Tartar or Turcoman blood in them. Constantinople is propped up like a falling house. Russia is said to be aiming at getting a strong navy in the Black Sea, as she knows that without it she could again be prevented from reaching Constantinople. It is also said that Russia is about to distribute a million acres of land among the Mahomedans in the Caucasus. Such largesses in former reigns were a customary prelude to war with Turkey, the object being to keep the Musulmans quiet. The Sultan has recently ordered a careful inspection of the fortifications commanding the entrance to the Bosphorus from the Black Sea, and a commission of Germans and high Turkish officers have reported that every thing is in an admirable state of efficiency, and that there is no fear of the Russian fleet bring able to make a sudden dash on Constantinople.

Owing to the anarchy in Crete, martial law has been proclaimed. The Porte has declared to the Greek Government that the landing of troops in Crete will be regarded as a *casus belli*. Russian intrigues are said to be active in Athens with

the object of forcing the Greek Government into a policy of intervention. It has been semi-officially stated that the Sultan has conceded certain demands made by the Cretans.

In France, President Carnot is proving himself a firm ruler. General Boulanger has been found guilty of treason and embezzlement, and MM. Dillon and Rochefort of complicity in treason. All three have been sentenced to deportation to a fortified place. The trial has taken place under the default (*contre le contumax*) procedure of the French Code. If the accused appear within six months from the date of sentence, they can demand a new trial; otherwise, the sentence becomes final. This being so, and the sentence carrying with it deprivation of civil and political rights, there are some who think that *le brav' général* well cross the silver streak and ask for a fresh trial. *Audaces fortuna juvat* It is hardly likely that the French Government will ask for extradition on the charge of embezzlement.

The Exhibition has been an unparalleled success, all being agreed that it eclipses all former exhibitions. Up to date about 12,000,000 people have paid for admission to the Eiffel Tower, which has falsified the predictions of those who predicted it would be a financial failure.

In Egypt fights and skirmishes with the Dervishes continue. Lord Salisbury has said in the House of Lords that the British Government has no intention of abandoning their task in Egypt until it is completed. The Samoan Conference has resulted in an agreement between England, America and Germany. The German claim to the supremacy of the whole island is abandoned.

#### *Home Politics and Events.*

The principal events have been the marriage of the Duke of Fife with the Princess Louise of Wales, the visits of the Shah and the German Emperor, the military and naval reviews, the great dock strike, and the withdrawal of Mr. Parnell's counsel from the Commission. "Have you seen the Shah?" has again become the necessary "gag" for every comic actor, and the inevitable "tag" for every music-hall song; and a "full, true and particular life" of the Shah can be bought in the streets for a half-penny. The strike of dock labourers comprised all branches of labour connected with the Port of London. No final settlement has yet been arrived at. Large sums of money in aid of the labourers have been received from Australia.

Mr. Gladstone, speaking at Plymouth, resented being called a separatist. He makes three propositions; (1) that there is no country where separation has been caused by the grant of

autonomy : (2) that there are cases in the world where the separation of two countries has been caused by the refusal of local independence : (3) that abundant cases of separation have been prevented by the grant of local independence.

The press has adversely criticized Mr. Parnell's withdrawal from the Commission, and his explanation is generally disbelieved. The *Standard* says the withdrawal will be interpreted as an angry admission of the futility of the efforts he has made to exculpate himself and his party. Mr. Parnell admitted before the Commission, that all the important books of the League had been carried to Paris by Egan. A sum of nearly £100,000 is not accounted for. The feeling of the Home Rule party towards England may be inferred from the fact, that the casket given to Mr. Parnell with the freedom of the City of Edinburgh, was ornamented with the thistle and shamrock only, the rose being omitted.

Dr. Tanner has been sentenced to a month's imprisonment for assaulting Inspector Stephens, and to three months for defying the Court. Messrs. O'Brien and Gilhooley have been sentenced to two months' and six weeks' imprisonment respectively for instigating tenants not to pay rent. Mr. O'Brien's action against Lord Salisbury for libel has been dismissed. The jury found that murders and outrages were the natural consequence of the advice given by Mr. O'Brien, and that that was all Lord Salisbury meant to say. They also deliberately found that the words "murders and outrages" fairly represented the way in which people who took unlet farms had been treated during the last ten years. Such a verdict is calculated to strengthen the cause of law and order. There are signs, too, that the Americans are beginning to realise that, by giving shelter to assassins and dynamitards, they have been "hoist with their own petard." The verdict of the Coroner's Jury on the death of Dr. Cronin denounces the murder as a brutal crime, and declares that the Clannagael and other similar societies are injurious to American institutions.

#### *Miscellaneous.*

Mrs. Maybrick has been sentenced to death for poisoning her husband. There has been much public feeling on behalf of the accused, and the sentence has been commuted to penal servitude for life. Offers of marriage have, as usual, poured in. Probably those who have made them consider that death by arsenical poisoning (when the poison is administered by a fair and frail woman) is a sort of euthanasia, just as the Ghazi thinks that the infidel's sword lays open his path to Paradise.

There have been two more Whitechapel murders, making

the eighth and ninth of these ghastly murders in the East-end. Mr. Stuart Cumberland, the thought reader, professes to have had a vision of the murderer, and is going to publish his portrait.

The Royal Grants Bill has been passed. It was supported by Mr. Gladstone. The Scotch Local Government Bill has been read a third time. The Tithes Bill has been withdrawn.

The Judges of the Queen's Bench Division have upheld the order of the Magistrate, Mr. Bridge, declining to grant a summons against the Duke of Cambridge for assault. It seems that the Magistrate really had recognised the eternal principle which Lord Coleridge so grandiloquently pointed out, to wit, the equality of all in the eyes of the law, and that it was in recognition of this principle that the Magistrate decided not to summon the Duke of Cambridge merely because he was a rich and royal man, and not a poor coal-heaver.

The peculiar fascination of the one farthing damages verdict proved irresistible to the arbitrators in the Chetwynd-Durham case. The verdict at the time was held to be a severe condemnation of Sir George Chetwynd, but he since seems to have been considerably recuperated.

The "*anemoen phronēma*" of Mr. Edison seems to be limitless, and he will probably end by putting a gridle round about the earth in less time than Puck did. His new telescope will enable a man in New York to see the features of a man in Boston.

Anglo-Indians will be sorry that Mr. Gladstone has condemned bi-metallism as tending to increase fluctuations; but he admits the evils which now exist, and thinks they may be palliated by the gradual issue of notes under £5 in value.

The quarter has witnessed a characteristic comparison of French and English fiction from "Ouida's" pen. She maintains that the type depicted in Daudet's *Sappho* may be frightful, but that it is not false. She denounces Mr. Rider Haggard's "pasteboard inanity," and sneers at the "lukewarm insipidity of English love." Madame Sarah Bernhardt has given a striking impersonation of "Lena" in the French version of Mr. F. C. Philips' "As in a Looking-Glass." In Macmillan's "Men of Action" Series, we have had 'Lord Lawrence' by Sir Richard Temple and 'Wellington' by George Hooper.

## INDIA AND THE EAST.

### *External.*

A concentration of 88,000 troops is said to have taken place in the Caucasus. The *Times* states that the Russian

Government has granted another six millions of roubles to General Annenkoff for completing his Asiatic Railway scheme. In another direction Russian enterprise has received a rebuff, the expedition to Tibet under Colonel Pevtsoff having been stopped by the Chinese authorities in Kashgar.

Affairs on the Shan frontier are progressing towards a settlement, and there is every prospect of an amicable understanding being arrived at with the Siamese authorities. Three or four districts in Burmah are still troubled with dacoits; but the country seems likely to become quiet in far less time than Lower Burmah did. Good Government has had its natural results, the revenue having, in a few years, risen from Rx. 222,498 to Rx. 870,200. This is more than went into the King's treasury, as the monopolies, royalties, and taxes on commerce formerly levied were to a great extent misappropriated by rapacious ministers. The French Consulate at Mandalay has been definitely closed, and this seems to be a tacit admission on the part of France, that the annexation of Burmah has practically extinguished her interests in that region. Grants of 10,000 acres of land in Upper Burmah have been offered to planters on very favourable terms, but subject to the condition that 90 per cent. of the cultivators settled on the land shall be imported from Behar or Chota-Nagpore. The Commander-in-Chief, in a report to the Government of India, has stated that "the rulers of Upper Burmah have been persistently misrepresented in certain irresponsible quarters from the beginning of our occupation, and no pains have been spared to disparage the results obtained." Sir George White has shown that some of the strongest ministers of the ex-King were known to be the patrons of dacoits, from whose ill-gotten gains they did not scruple to swell their incomes. It has been said that the disarming of a village places it at the mercy of dacoits; but experience has shown how often the arms are the special prize of which the dacoits are in search, and how seldom they are used by the villagers to defend themselves.

Mr. Bradlaugh rather gave himself away to Sir John Gorst in putting some questions about the abdication of the Maharajah of Kashmir. The *St. James Gazette* expresses surprise, that when the Radicals take up the cause of oppressed Indians, they should make such an infelicitous choice of subjects.

The rebellion which had broken out in Badakshan against the Amir's authority, is not likely to assume dangerous proportions. In Sikkim matters are *in statu quo*. The purposes of the expedition seem to have been practically secured, though the absence of any treaty may necessitate expenditure on frontier defence posts.

Mr. Digby has written an extremely silly pamphlet, entitled "India. The Queen-Empress's promises. How they are broken." Here is a specimen : " Could but Her Majesty the Queen-Empress of India see the manner in which this Royal Lady (the Maharanee of Rewa) is treated, and could you, my lords and gentlemen, realise, even for a moment, what the incidents referred to mean to the Indian people, even though it be in the dying days of a session that these facts are placed in your hands, I am satisfied that Parliament would not be prorogued until justice was done. Alas! India is a long way off, Rewa is but a name, the Chandalin Maharani merely a shadow, and her moans too faint to be apprehended by ears filled with the din of British political strife!" *Solvuntur risus tabulae!* Such bombastic clap-trap can only damage and discredit the cause in which it is employed. The tragic air is about on a par with that of the strolling player at a fair who, in personating Othello, calls out to Desdemona, "The 'angkurchif, the 'angkurchif!" Mr. Digby apparently does not get his facts from the *Statesman* in this instance, as he gives a glowing picture of the good Government of Kashmir. The *Statesman* says :—"For the last twenty-seven years the people of Kashmir have been suffering almost every evil that such a population *can* suffer. \* \* \* \* and when the Government, for the first time in the history of the province, attempts to secure an amelioration of matters, our native contemporaries either deny indignantly that there has been any misgovernment whatever, or denounce the Government in terms utterly unmeasured for having 'annexed' the province ! The *Statesman* has not forsaken the cause of the native Princes. We never *can* forsake it, but when we see utterly untrue statements put forward against a course which we believe the Government has wisely and honestly entered upon, we shall never support what we believe to be untrue."\*

\* Persons like Mr. Digby actually do harm to the Indian people, as by setting up fictitious grievances they try the patience of the British Parliament and public, and draw away their attention from real grievances, such as the fever, which renders life a "living death" to the people in many districts, and which can be removed or minimized by systematic sanitation, the low pay of the police, and other matters which affect the daily life and livelihood of millions far more than the 'faint moans' of the 'Chandalin Maharani.' Has anybody ever heard of the 'Chandalin Maharani?' Mr. Digby is like the boy who used to cry 'wolf' when there was no wolf, and when the wolf really came, no one believed him or went to his rescue. So when Mr. Digby shows up some real grievance, he will find that the British public won't believe him. The 'grievance' party must be in a very bad way if they have to come down to a 'Chandalin Maharani.'

*Internal.*

In giving away the prizes at the Royal Indian Engineering College, Cooper's Hill, Lord Cross told the students that they were going out to a great field, where it was absolutely necessary that the British supremacy should be maintained : the British supremacy had given to India all which she at present enjoyed. So it has been stated that the claims of England will not be forgotten in passing orders on the Public Service Commission Report.

The so-called "charges" against Dr. Hall of Naini Jail have dwindled down to a complaint that Captain Hearsey, who was sentenced to simple imprisonment, was not treated as a first-class misdemeanant in England. Truly Pelion and Ossa have laboured with a mighty parturition, and have hardly brought forth a mosquito—much less the proverbial "*ridiculus mus.*" The term "first-class misdemeanant" is not known to the Indian statute law, or to the prison rules framed under it. When an offender commits an offence, for which an English Magistrate thinks treatment as a first-class misdemeanant would be an appropriate sentence, the Indian Magistrate sentences to fine only, as he knows that simple imprisonment means simply exemption at option from labour, but subjection in other respects to jail rules and discipline. We have, in our articles on "Comparative Penal Law," recommended the introduction of a third sort of simple confinement, such as is imposed under the Louisiana Penal Code and in England. Dr. Hall appears to have fallen a victim to his own good nature. We have been informed on good authority that Dr. Hall gave Captain Hearsey his own razor, when the latter indignantly exclaimed he would not allow "any native" to shave him ; also that Dr. Hall personally induced a barrister to stand surety for Captain Hearsey, so that the latter might not be unnecessarily detained in jail. It is believed by many that the Captain never really supposed his request for an inquiry would be granted.

It's an ill wind that blows nobody any good, and the famine in Ganjam will probably result in a railway from Bezwada to Cuttack. In Behar there is some apprehension of continued scarcity, but throughout Bengal generally the outlook is much more hopeful. Some distress has been caused in Moorshedabad by the bursting of the Lalitakuri embankment.

The chief feature of the Jail Resolution for the year 1888 is, that the number of corporal punishments decreased from 2,430 to 1,891, the lowest number ever reached. The pendulum will now probably begin to swing back again. There are signs of this in the recent Educational Resolution of the Government of India. There is a substantial agreement among officials and representatives of the native community as to the existence of

the evils of irreverence and disregard for authority, and corporal punishment is recognised as a suitable penalty in cases of aggravated misconduct. The provision of efficient training schools is held to be the most effective means available for improving discipline. The use of text-books having a direct bearing on conduct is also recommended.

The Council of India Bill has been passed. In the discussion on the Indian Budget, Sir John Gorst said there was no fear of a centralized India, since the settled policy of the India Government encouraged the financial, legislative, and administrative independence of the provinces. He further explained that the surplus of the Famine Fund had been spent on railways, irrigation, and in the reduction of debt, and in lessening the chance of famine by assisting the transport of food. As regards the Bombay Mamlattars, Lord Cross has said that doubtless those who have offered bribes should be dismissed the Service with some compensation, but the victims of extortion should be retained in service, and guaranteed against prosecution. In this connection the article in the present number on the legal and constitutional aspects of the Crawford case deserves an attentive perusal. A strong reaction seems to have sprung up in Bombay, in favour of the Government, and hostile to the action of the remonstrating Judges.

The despatch of the coolie question, from the Government of India to the Secretary of State, has been published. Special legislation at present is deprecated on the ground that certain recently concerted measures are sufficient to meet the requirements of the case. The solution of the question must rest with the Supreme Government, as Assam and the N.-W. Provinces are also affected. It seems better that the labour-contract should be executed in the district where the coolie is recruited. If a coolie has been taken to Assam by false pretences, he must now either enter into a contract, or be left to his own resources in an unknown country, without any means of returning to his home.

Does the following indicate that a new era is dawning for the native press? A new newspaper, the "Saturday Herald," introduces itself to the public in the following pro-emium :—" We feel that we have a higher mission to fulfil than to abuse the European and glorify the Indian. In a word, the most objectionable features of the majority of the native papers will be found conspicuous by their absence in our columns." Excelsior! a strange device, but none the less noble!

#### *Police, Law and Miscellaneous.*

The Cantonments Bill has been passed, *minus* the chapter on immovable property, which is to be passed as a separate

enactment in Calcutta. The Indian Merchandise Marks Amendment Act has also been passed, but its operation is to be suspended for a short time. The leper question is being reported on by Local Governments. In Bengal the attitude of the people may be described as one of apathy and indifference. Excepting the relatives of lepers, the people, *if asked*, will be in favour of segregation. But they do not show any keenness on the subject. In the in-wards of mofussil dispensaries, no objection is expressed if a leper occupies one of the beds. But there would be great alarm and indignation if a cholera or small-pox patient were not kept apart. Among the Hindus there seems to be a feeling (due to the example of the virtuous Sabitri ?) that a husband should not abandon a leprous wife and *vice versa*. The Bengal Council has passed a Bill to enable the Port Commissioners to lend the Calcutta Corporation two lakhs of rupees for the road from Howrah Bridge to Sealdah.

In a case of cheating from Ranchee, an attempt was made to induce the High Court to quash the warrant that had issued ; in other words, to prevent the case coming to trial. Fortunately the attempt failed. It was the success of such attempts in the years 1868 to 1871 that had a good deal to do with the shaping of certain provisions in the 1872 Code of Procedure. In Reuter's case against the *Statesman*, there has been a judgment for the plaintiff with costs. The editor of the *Dacca Prokash* has been sentenced to a month's imprisonment and a fine of Rs 500 for defamation. In Madras. Colonel Moore, the President of the Municipal Commission, is suing Mr. Eardly Norton for defamation. There seems to be a strong feeling in Madras that the latter has hitherto had it too much his own way.

In the *Pioneer* defamation case, the judge directed an acquittal as there was nothing to connect the editor with publication in Calcutta. This ruling has been much criticised by the Bar, but we venture to think it is very sound common sense. An accused person is supposed to be treated with more consideration than a defendant in a civil suit. If A. borrows Rs. 50 from B, he can only be sued in the place where he borrowed the money, or where he resides. Why should an accused person be worse off ? If Mr. Justice Norris had ruled otherwise than he did, we should have had the *reductio ad absurdum* that Mr. Chesney might have been prosecuted in Karrachee or Burmah, in Shillong or Tutticorin. In another case, the Agra Bank cheque case, the learned Judge's finding on the facts has been upset by the appellate tribunal. In the Lahore defamation case, brought by Pundit Gopi Nath against the proprietor and editor of the *Kohinoor*, the accused

persons acknowledged the falsity of their statements, and made a humble apology, which was accepted. The fine of Rs. 100 imposed on Karim Chand by the Deputy Commissioner of Lahore, has been upheld by Mr. Mackie, the Divisional Judge. It seems that the accused showed the existence of a system of *dalali*, but the defamatory statement which Mr. Browne complained of had no connection with the question of *dalali*.

There has been a proposal to tax the hill-beer. What will Mr. Caine say when he hears that it is proposed to make a sort of whisky out of jute ends? The native Soondee or Kulwar could distil spirit out of almost anything—he sometimes makes to order a rich sort of invalid wine out of almonds, raisins, pistachio nuts and other ingredients. The Secretary of State's despatch on excise has laid down the following principles : (1.) that any extension of the habit of drinking among Indian populations is to be discouraged : (2.) that the tax on spirits should be as high as may be possible without giving rise to illicit methods of making and selling liquor : (3.) that, subject to these considerations, a maximum revenue should be raised from a minimum consumption of intoxicating liquors.

The Indian Police Reorganisation Scheme is taking a definite shape, and the necessity for increasing the rate of pay, and securing a better class of men is recognised.

There has been some discussion in the House of Lords regarding the silver plate duties. Lord Cross agreed with Lord Northbrook that the duty was in every way hurtful, and said he would give Mr. Goschen no peace until he had repealed it, and modified the laws relative to compulsory hall marking, and so facilitated the import into England of Indian silver plate.

A report has been issued on the operations of the Social Reform Committee of the Rajput Sirdars. Out of 194 marriages, the rules had only been contravened in 33 instances, and the breaches had been punished by fines. Concubinage, opium-smoking, hemp-taking and spirit-drinking are condemned. A Bombay paper mentions two recent marriages, in one of which the bride was 15 months and the bridegroom 32 years old. In the Hooghly district a bride of 8 months was recently wedded to a bridegroom of 28 years.

The Assam Behar Railway has been opened for traffic. Thefts and housebreakings have increased in places along the line, and it is now intended to place detectives of the regular Police at the Railway Stations, to give the Railway Police the benefit of their knowledge of bad characters. Tantia, the Central Provinces dacoit, has been captured.

The performance of the "Yeomen of the Guard" at Simla is said to have been quite equal to the representation at the Savoy theatre.

In Russia the functions and jurisdiction of juries have been considerably curtailed by an Imperial Ukase. This change is the outcome of a prolonged agitation in Russia against trial by jury. The same feeling has been evinced in some other continental countries, and it exists to a great extent in England.

Obituary : Sir Salar Jung, Prime Minister of Hyderabad. This gentleman, when in England two years ago, published two papers in the *Nineteenth Century*, which attracted much attention, pointing out the danger to Mahomedans in India of any Russian advance to the Bosphorus. The perennial Nawab Abdul Lutif has had a letter from Arminius Vambéry, in which the Professor expresses his sympathy for the Indian Mahomedans, and tells them that, though English rule has its faults, it is perfection as compared with Russian rule.

H. A. D. PHILLIPS.

September 16th 1889.

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## SUMMARY OF ANNUAL REPORTS.

*Review of the Revenue Administration of Province of Oudh,  
for the year ending 30th September 1888.*

THIS Review consists of 36 pages of print; to which 88 pages of figures are tacked on as appendices. Its interest centres in the information it affords as to the working of the Rent Act of 1886:—

In the last year of the old Rent Act, notices of ejectment were issued to the number of 92,451, covering an area of 360,000 acres. By the new Rent Act the issue of these notices is restricted to certain specified cases. Every tenant is now secured by statute in the occupation of his holding for a term of seven years from the date of the last change in his rent or of the last alteration in the area of his holding. During this period he cannot be evicted except for arrears of rent upon an unsatisfied decree, or in execution of a decree for ejectment for certain breaches of the general conditions of agricultural occupation. At the close of each statutory period the tenant is liable to a statutory enhancement, or he may be removed from the holding by a notice of ejectment, on which a heavy court-fee is charged except where the statutory tenant has died and the notice is served on his heir. A notice of ejectment has to be served before the 15th of November, so that the objections of the tenant, if any, may be decided before the close of the agricultural year, and any notices issued in the year preceding that of this report were lodged in ignorance of the law.

During the year there were 2,369 notices or applications for ejectment, covering an area of 11,438 acres. Feudality still to a large extent contests the authority of the law in Oudh: *e.g.*, the Commissioner of Rae Bareli states that in some estates the landlord defies the law by a summary ejectment, "which the tenant may be too timid to resist by his only remedy, a suit for illegal ejectment." Clearly statistics of notices, applications and legal processes, are of less than no worth at all if the law can be overridden and flouted at will by brute force. The Deputy Commissioner of Bara Banki made the summary eviction of tenants by landlords the matter of very detailed inquiry through his supervisor kanúngos, with the result that he ascertained 1,290 cultivators to have been deprived of the possession of 1,927 acres, which is about half the area comprised in the formal notices.

Facts of this sort are admitted, though the Chief Secretary to Government, Oudh Revenue Department, can find it in his heart to believe that the action of the landlords in the removal of tenants is, "for the most part," within the provisions of the law. And of course *de minimis non curat lex. A propos*

of the Bara Banki enquiry, and the statement of the Commissioner of Rae Bareli, this quotation from paragraph 52 of the Review shows that the law is evaded :—

It will be observed that the provisions which limit to an anna in the rupee the enhancement on tenants who succeed an evicted statutory tenant, have not been observed. The districts vary greatly in this respect. In the Sitapur Division lands were, at least nominally, re-let at their former rent ; in Lucknow the holdings were re-let at a great reduction. In Gonda and Sultanpur the new rents, although the aggregates are small, represent a rise of 97 and 35 per cent.

It is true enough that under sections 47 and 50 of the Act, a landlord who evicts a tenant after compensating him for improvements is entitled to an enhanced rent from the new tenant in proportion to the value of the improvement. That is but fair. But the arrangement entails loopholes for hole and corner subterfuge which need careful watching on the part of district officers. Statement No. XXXVI shows that no less than 8,874 notices of relinquishment were lodged by the tenants during the year, covering an area of 42,310 acres, an area nearly double that embraced by the notices of ejection of all kinds. Nearly a third of the aggregate relinquishments were in Unao, and the Deputy Commissioner mentions that they were almost confined to the riparian mahals of his district, where many of the cultivators are Kahars, who as boatmen have other means of livelihood and are independent by character. These appear from his report to have suffered less than is usual from the floods of the Ganges.

We note that the officiating Deputy Commissioner of Hardoi, commenting on the considerable number of relinquishment notices in that district, expressed an opinion that they were forced by the landlords, "as a means of evading ejectments." In the Lucknow district not a single notice of enhancement of rent was served by landlords. Presumably they took the law into their own hands. Since district reports were sent in, information has been received by the Oudh Revenue Department, showing a remarkable increase in the number of ejection notices issued in the current year. They amount to 3,078 covering 23,415 acres, and the increase is particularly marked in the districts of Partabgarh, Rae Bareli and Gonda. On the other hand notices of enhancement for the coming year have diminished from 197 to 115. Some officers express the opinion that the notices were evaded, but not to any material extent ; that moderate enhancements are still submitted to partly from ignorance, partly from timidity, partly from old and friendly relations : others consider that from the tightness of the old rents on the one hand, and the approach of the revision of assessments in Oudh, there is a genuine absence of movement in rents.

In short, time enough has not gone by yet since the passing of the new Rent Act to judge correctly as to its practical effect amongst such a diversified population as that of Oudh.

*Report on the Progress and Condition of the Government Botanical Gardens at Saharanpur and Mussooree, for the year ended 31st March 1889.*

GARDEN Reports, as a rule, have always an indictment against the weather. This one is no exception. Nevertheless it is satisfactory to be able to add, that during his four years incumbency of office Mr. Gollan has largely reduced expenditure ; and if to last year's cash receipts there be added Rs. 2,732-9-0,—the cost of seeds and plants distributed to soldiers gardens, and a further sum of Rs. 2,239-14-0 representing the actual saving to Government through utilization of drugs grown in the gardens,—there is a paper deficit converted into an actual surplus. Potato disease has attacked the Gardens rather extensively, but the disease is attributed by the Director of Agriculture, N.-W. Provinces to the tendency of the Indian agriculturist to use over and over again seed grown on the same plot of land. We notice a new fruit introduced—the American Dewberry, described as "delicious, better than the best blackberry, and as large or larger ;" moreover, it is easily grown, and eminently suited to Indian climatic conditions : "When more generally known it is sure to become popular."

Here is an interesting extract :—

Rye (*Triticum vulgare*)—A parcel of seeds of this cereal was received from the Superintendent, Government Gunpowder Factory, Ishapore, and were sown at his request in order to ascertain whether the North-Western Provinces and Punjab are capable of producing rye straw for the manufacture of a certain class of gunpowder.

The seeds thus obtained were sown at the same time and were given the same treatment as given to wheat. They did not germinate well, but those which came up produced a crop of straw averaging about two and a half feet in length. The experiment was thus sufficiently successful to establish the fact that rye straw could be produced in this part of India if necessary. The plants also gave a crop of well developed grain, and I anticipate even better results in another season from this partly acclimatized stock, should the Superintendent of the Gunpowder Factory wish me to continue the experiment.

White ants are developing a pernicious fancy for euca-lyptus citriodora and meliodora, and are likely to impair their usefulness.

*Annual Report of Dispensaries in the Punjab, for the year 1888.*

**I**T is noteworthy that last year the Lady Aitcheson Hospital for women was opened at Lahore :—

The question of the provision of a hospital for Europeans at this place has recently been under the consideration of Government. His Honour fully agrees as to the necessity of such an institution, and is prepared to make a grant for the purpose, but the larger share of the required funds must be provided by public subscription. The Inspector-General of Civil Hospitals notices an urgent want of suitable hospital buildings at Delhi and other places. The provision of new buildings, as above remarked, is a suitable charge on invested funds. In fact, Rule XVIII of the Hospital and Dispensary Rules, does not authorise the sale of such investments except in the event of money being required for new buildings or for extensive repairs to existing buildings.

The number of lepers on the rolls of the six Punjab Asylums was 574, being 23 more than in the previous year. And "none are reported to have derived much benefit from the treatment afforded them."

Dr. Perry, Professor of Surgery, Mayo Hospital, writes in his Report :—As was pointed out in last year's report, the practice and teaching of surgery is seriously hampered by the altogether inadequate provision made for the supply of instruments and apparatus.

*Administration Report of the Meteorological Reporter to the Government of Bengal for the year 1888-89.*

**T**HE Orissa coast having been found by experience to be the Bay of Bengal focus on which a large portion of South-West monsoon storms strike, Mr. Pedler, the officiating Meteorological Reporter thinks "it would be extremely desirable in the interests of the Storm Signal Service that the telegraphic communication over that area should be as perfect as possible" as it frequently happens that on the occasion of bad weather, or of a cyclone approaching the Orissa coast, the communication is suspended several hours before the storm approaches the land. This at once makes it difficult to determine the line of march and the position of a storm with any degree of certainty. Even during the months of April and May, when strong southerly winds blow in the north-west angle of the Bay, it is found sometimes to be impossible to send in the daily meteorological telegrams with certainty and regularity, and thus, in the first thirteen days in May 1889, on not a single day did the False Point telegram reach this office in time to be incorporated in the Daily Weather Report, and thus, for all practical purposes of rapid or early forecasting, these observations were useless.

*Annual Returns of the Charitable Dispensaries under the Government of Bengal for the year 1888.*

FROM Dr. Hilson's Report on the Charitable Dispensaries of Bengal we gather that on 31st December 1888, there were 250 Dispensaries in the Province, as against 243 in the preceding year ; that there has been a steady increase in the number of patients treated, and that more surgical work was done in 1888 than in 1887.

Subscriptions, however, both from Europeans and natives, show a considerable decrease ; and expenditure under all heads "increased very much."

*Returns of the Rail-borne Trade of Bengal for the quarter ending the 31st March 1889.*

FROM the Secretariat *Returns of the Rail-borne Trade of Bengal* for the first quarter of the year, we gather that the result of the transactions for the quarter ending the 31st March 1889, in comparison with the figures of the corresponding period last year, is a decrease of 27·11 per cent. in the total traffic listed. "Railway plant and rolling stock" formed one of the items of trade in 1887-88, but under the orders of the Government of India, it has been omitted in the returns from the 1st April 1888. If the trade under that head, amounting to 10,40,446 maunds, be deducted from the returns for the quarter ending the 31st March 1888, the net traffic of the present quarter will be below the figures of the fourth quarter of 1887-88 by only 15·88 per cent., of which 11·01 per cent. will be under imports, and 18·53 per cent. under exports.

The chief falling off in the import trade occurred under oilseeds, while the exports decreased owing to the absence of demand for food-grains in the Upper Provinces, where there was a scarcity in 1887-88.

*Twenty-First Annual Report of the Sanitary Commissioner for the year 1888.*

THE Report of the Sanitary Commissioner Bengal, for 1888 is submitted by Dr. Gregg. Sir Steuart Bayley thinks that the registration both of births and deaths is still so extremely defective that no trustworthy conclusions can be drawn from it, either with regard to the general health of the Province, or the healthiness of the year under report, as compared with that of previous years.

Mortality among infants under one year old is supposed to have been higher than usual, mortality from cholera in Orissa

higher than in any other part of the satrapy. On the other hand Orissa shows a lower death-rate from fever than other parts of Bengal. The fluctuations in the death-rate of the different cantonments are striking. In Dorunda the rate was as high as 59·27, while in Dum-Dum, a more populous cantonment situated in a less healthy locality, it only reached 11·60. In Alipore it fell from 44·32 in 1887 to 28·73 in 1888, while in Buxa it rose from 9·64 to 20·37. In two of these cantonments the mortality registered is as low as in many of the municipalities, yet in cantonments, such as Fort William and Dum-Dum, it is to be supposed that registration will be tolerably accurate.

The prevalence of cholera during every month of the year for the last fifteen years, its seasonal incidence in the four main divisions of the Province, and its comparative prevalence in each district in Bengal during 1888, have been illustrated by the Sanitary Commissioner in a series of diagrams which have been prepared with great care and are very interesting. Dr. Gregg remarks:—

"The inferences to be drawn from this (the first) diagram are (1) that the year 1888 compares favourably with nine out of the fourteen years with which it is compared; (2) that as a rule the Province is comparatively free from cholera during the earlier months of the year, and that when in some years it does prevail in January and February, it is a continuation of the disease which was developed in intensity at the end of the preceding year; (3) that the disease prevails with much severity in the hot weather before the rains set in; (4) that there is a comparative lull during the rains; and (5) that it appears again in the cold weather, but not to the same extent as in the hot weather."

The connection between the variations in the seasonal incidence of the disease in Bengal, Behar, Orissa, and Chota Nagpore, and the character and elevation of the soil in different localities, and consequent change in the height of the sub-soil water, are clearly demonstrated by these diagrams.

It is worthy of remark that not a single death from small-pox is reported to have occurred in the district of Bogra during the year, and that the floating population of Calcutta continued to enjoy immunity from the disease. The following extract from Sir Steuart Bayley's Resolution is pregnant with meanings:—

The great prevalence of this disease during the three last months of the year is undoubtedly caused by the saturation of the soil with water after the rains, and it is to be feared that the natural difficulties of draining the country have, in many cases, been increased, as the Sanitary Commissioner points out, by roads and embankments insufficiently provided with culverts. The waterway allowed in railway and road embankments is calculated by Engineers with reference rather to the stability of the work than to the sanitary requirements of the locality. But it is not merely the work of man that has to be grappled with. The action of nature tends constantly, in a flat country like Bengal, to silt up the khals and so waterlog the country drained by them. Under the guidance of such a Sanitary Board as the Government of India have proposed, a beginning might be made

towards remedying these evils ; but it is to be feared that the time to which Dr. Gregg looks forward, when the country will be thoroughly and systematically drained, is still far distant.

*Annual Report on the Foreign Trade of the N.-W. P. and Oudh, for the year ending 31st March 1889.*

THIS Report is submitted by Mr. T. W. Holderness, C. S., Director of Land Records and Agriculture, N. W. P. and Oudh, who states that the cordon of posts maintained for registration of traffic remained unaltered ; that the posts on the Nepal frontier were all inspected ; that one of the five posts on the Tibet frontier was visited by the Senior Assistant Commissioner, Kamaun, and that the registration work was generally found satisfactory.

It cost the State altogether Rs. 5,172 against Rs. 4,455 in the previous year. The increase was partly due to revision of establishment. The traffic with Nepal shows considerable decrease during the year, while that with Tibet showed a comparatively large increase. The decrease in the import from Nepal occurred mostly under grain and firewood. For several months traders in Nepal were, it is said, prohibited by the Nepal Darbar from taking these articles across the frontier, as it was thought necessary to maintain local stocks for the sake of providing supplies for the camp of high Nepalese officials on tour. The decrease in the export trade was principally under cotton piece-goods, metals and salt.

The increase in the import of salt is adjudged due to the enhancement in excise duty levied in the plains, which has somewhat increased the area within which Tibetan salt can compete with Indian.

The increase in the export of grain from India to Tibet was consequential on the increased import of salt, as it is given in payment for the latter.

*The Second Annual Report of the Lewis Jubilee Sanitarium, Darjeeling, for 1888-89.*

THE Lewis Jubilee Sanitarium flourishes *more suo*. It will be remembered that Rajah Govind Lal Roy of Rungpore having placed 90,000 Rupees at Mr. Lewis' disposal, to be spent on some work of public utility, Mr. Lewis devoted it to the establishment of a Hill Sanitarium for natives of India. We are told in a Report on this Institution lately issued, that during 1887-88 the opinions of medical men, printed in pamphlet form, were largely distributed in the Province, and in November of the same year, a circular inviting subscriptions was issued to about five hundred Zemindars and other principal men of the

country. In response to this circular Rai Dhanput Sing Bahadoor subscribed Rs. 5,000, and another item of Rs. 25 only was received, and no more.

Independent natives of India having thus testified to their want of appreciation of the Sanitarium, in spite of "circulars, pamphlets, leaflets, cards letters, &c. &c., numbering about 30,000 at about a cost of Rs. 1,200" having been circulated broadcast, the Board of Revenue was appealed to, and sanctioned levies from minor's estates under the Court of Wards guardianship, as follows—

Burdwan Estate	Rs. 1,000	annually.
Dighaputtea	Rs. 1,000	do.
Tikari	Rs. 1,000	do.
Cossimbazar	Rs. 500	do.
Nurhan	Rs. 500	do.
Chanchal	Rs. 200	do.

The actual member of admissions during the year was 199 and the daily average of inmates 12·3.

#### *Report on the Calcutta Medical Institutions for the year 1888.*

**T**HIS is a concise but full Report on the Calcutta Medical Institutions for the year 1888.

Of the number of persons treated in the Calcutta and Suburban Hospitals we read that—

The total number of patients treated in all the hospitals during the year, exclusive of the voluntary lock-hospitals (which have now been excluded from the list of medical institutions embraced in this report), was 253,706 against 261,177 in 1887, the difference being 7,471. As regards in-door patients, the numbers treated show little variation at all the institutions when compared with those of the previous year, but there has been a considerable diminution of out-door patients at the Medical College Hospital and Mayo Institutions, and more particularly at the latter. There has also been a decrease at the Howrah Hospital.

The annual returns of the Chandney Hospital—where nearly one-third of all the out-patients of Calcutta are supposed to be treated—have been pronounced inaccurate, and hence "vitiated" as Sir Steuart Bayley's Resolution mildly puts it. We are glad however to observe, that a much larger number of Europeans availed themselves of Hospital treatment in the year under review than in 1887, though fewer Hindoo and Mahomedan women and children applied for treatment; a result probably due to the successful working and growing popularity of the Lady Dufferin Hospital. There was, as usual, a very high death-rate among those treated in the Campbell and Howrah Hospitals, "into which many moribund patients are admitted." Calcutta, we are told, continues to be practically free from small-pox. Nevertheless, special small-pox wards have been constructed at the Campbell Hospital. Dysentery

decreased somewhat, both in prevalence and mortality ; and under the head *Malarial Fevers*, the figures also show a decrease. Of *Venereal diseases*, we read—

The return shows a large diminution of these affections, owing partly to the exclusion from it of the cases treated in the voluntary lock-hospitals. The figures, however, refer only to in-door cases treated in the hospitals ; but if out-door patients are taken into account, as well as all those treated in the voluntary lock hospitals, it will be found that there has been a general diminution of venereal affections in 1888 as compared with 1887, the total figures for the two years being 13,038 and 14,618 respectively.

The number of important surgical operations performed rose from 1,488 in 1887 to 1,719, and were attended with a fair measure of success ; especially among those affected with diseases of the eyes. At the Eden Hospital for women much good work was done. The Ezra Hospital has proved a blessing indeed to the sick poor of the Jewish religion.

The Officers attached to the various hospitals continue to write in high terms of the services of the nursing staff. Of sister Lucy, the late Superintendent of the Clewer Sisterhood, who for the last eight years served the sick and stricken in the Calcutta hospitals, Dr. Hilson writes :—" Her self-denying devotion to duty, and her kindness and attention to the sick, will long be held in affectionate remembrance."

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*Report of the Court of Wards, N.-W. Provinces, for the Revenue year 1887-88.*

WE have no Sir Bernard Burke in India to tell of the vicissitudes of its aristocratic families ; but the condensed story of one of them, as set forth in this Court of Wards Report, might serve in broad outline for the story of at least three quarters of them. Here it is :—

*Pankigangaganj Estate, Cawnpore District.*—This estate, comprising a half share in a village, was the property of Rajah Dhiraj Singh, the representative of a branch of the Sheorajpur Chandels in the Cawnpore district. At the time when the district came under the British rule the estate held some 42 villages ; but all these, except half the village of Pankigangaganj, were gradually alienated either by auction or private sale to meet the Rája's liabilities. The share in the remaining village left to Rája Dhiraj Singh was about to be sold in execution of a decree for debts incurred by his predecessors, when the Government came to his aid, and in January 1874, sanctioned a State loan of Rs. 9,500 at 5 per cent. interest, repayable within 20 years, on condition that the property should be mortgaged to Government as security for repayment. Subsequently the estate was brought under the management of the Court of Wards, and the Rája was declared disqualified under clause (g), section 194, Act XIX of 1873, by G. O. No. 122 of 25th January, 1877. The income of the property for 1886-87 was Rs. 4,026, and the Government demand for land revenue and cesses Rs. 1,568. As the State loan was paid in full during the year,

the sanction of Government was solicited to the removal of the disqualification passed upon the Rāja, and the estate was under G. O. No. <sup>1343</sup>  
<sub>1-436A,</sub> dated 14th September 1888, released from management on 30th September 1888.

A table of estates administered by the Court of Wards for females, minors, idiots, lunatics, and others, is given, and shows a total of 136. But it appears that the *actual* number of estates under management is 115. There was a decrease in expenditure on "works of improvement," as compared with 1886-87, and the educational charges of the year amounted to Rs. 18,878. Two minor wards were sent during the year to be educated at the Wards' Institute, Agra, which, with three others sent previously, made a total of five. It is a pity that the official mind has not much time to spare for thought about a fitting education for the aristocratic classes: a mistake which time will surely avenge some day or another. "The mills of God grind slowly," as Longfellow puts it; but they are grinding eternally.

From a financial point of view, the Court of Wards management for the year was, as may be assumed, satisfactory.

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*Annual Report of the Lunatic Asylums of Bengal for the year 1888.*

IN submitting this report, Dr. Hilson, Inspector-General of Civil Hospitals, Bengal, deprecates its brevity, in that having only taken charge of his office on the 30th April, he has not had time to look carefully into the returns that accompany the Report. This may, in some measure, account why, in a tabular statement giving the Causes of Insanity in the European Asylum at Bhowanipore, he enumerates separately—

Intemperance.  
Excessive drinking.  
Drinking, and  
Ardent spirits.

"Although," he says, "the patients suffering from the different types of insanity are now arranged according to the system adopted by the Royal College of Physicians in the new nomenclature of diseases, the change does not appear to have produced as much uniformity in the returns as might be desired, and it is probable that, until some authoritative definition is obtained of the various forms of mental disease, not much progress in this direction will be made."

We are told that at Patna, Berhampore, Dacca, Dullunda and Cuttack there was overcrowding on account of insufficient accommodation, and some male patients slept in verandahs, and yet enjoyed very good health. But Dr. Hilson objects to sleeping

in verandahs, and suggests that quiet and inoffensive lunatics should not be sent to Asylums "unless there is some very good reason for doing so." We regret to note, however, that the returns for the last ten years show that the criminal class of lunatics is annually becoming larger; "and it remains to be seen whether the new system of discharging them after recovery, which was recommended by a special Committee last year, and approved of by Government, will have the effect of reducing it." Opinions differ perhaps as to the meaning of the word recovery. Nevertheless we are glad to learn that sickness diminished generally in the asylums—as it did outside them:—

The fluctuation in the health of the asylums correspond in a great measure with those of the jail and general population in the same districts, the only marked exception being found at Cuttack, where there was increased sickness in the jail with an improvement in the health of the lunatics.

Fever, as usual, was the cause of most of the sickness at nearly all the asylums. Only at Dullunda was there any cholera, six cases, two of which proved fatal having occurred in November. No cause could be assigned for the outbreak, which was preceded a short time previously by the appearance of the disease in the Station Hospital adjoining the asylum.

The mortuary statistics shew that there were 74 deaths in all the asylums; or at the rate of 7·93 per cent. Last year it was 9·11 per cent. Injuries, accidents, escapes, &c., are still somewhat numerous, and with a view to their diminution, Dr. Hilson has directed that they should all be reported at his office immediately after their occurrence, so that an opinion can be formed as to the completeness of the investigation into each case.

The total cost of maintaining the five native asylums of Bengal was Rs. 81,172-2-3. In 1887 it was Rs. 78,996-1-4. The profits derived from the manufacturing department amounted to Rs. 4,474-3-4, of which the Patna Asylum contributed Rs. 2,324-1-1, Dacca Rs. 1,013-7-4, Berhampore Rs. 653-6-6, Cuttack Rs. 255-8-1 and Dullunda Rs. 227-12-4. This shows an increase at Patna and Dacca, while there has been a falling off at the other asylums. At Dullunda the very small profit obtained, when compared with that of former years, is attributable to the erection of a new workshed at a cost of Rs. 640-9, and also to depreciation in the value of cocoanut oil, in the manufacture of which many of the lunatics were employed.

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*Annual Report of the Royal Botanic Garden for the year  
1888-89.*

THE hundred and second Annual Report of the Royal Botanic Garden, Calcutta, now lies before us. Dr. King holds that the chief improvement effected within the garden last year was the extension and completion of the Palm House:

which, when the plants now being put out in it have had time to establish themselves, the effect inside will be very fine ; though externally, no house with such a large area of thatched roof can possibly look well. To screen this unsightliness as much as possible from observation, trees are being planted in the neighbourhood.

The Garden Herbarium has received considerable accessions to its collection of dried plants since the Superintendent's last Report was written. Contributions have been received from Sikkim, from Upper Burmah, from the Shan Hills, from the Naga Hills, from the forests of Canara. Frontier wars are apparently the Garden's golden opportunities. Kew has, as usual, contributed bountifully to Howrah. Not only plants and specimens, but many valuable books also for the Library. During the year, the second part of the Annals of the Garden was issued. It contains the completion of the Superintendent's monograph of the genus *Ficus*. A fresh part, treating of the Indo-Malayan species of oaks and chestnuts, is promised in a few months.

Considerable activity is reported in the nursery and seed departments, no fewer than 31,183 plants and 2,075 packets of seeds having been issued to Municipalities, Road Committees, Managers of Station Gardens, and the public at large. It is true that the figures cited fall short of those of 1887-88, but the returns for that year were swelled by the issue of a quite unprecedented number of the plant producing Rhea fibre, in the adaptability of which to manufacturing purposes some people still believe.

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*Twenty-first Annual Report of the Sanitary Commissioner of the  
N. W. Provinces and Oudh, for the year ending 31st December  
1888.*

BY way of commentary on the uses and values of Indian statistics, we reprint paras. 2, 3, 4 and 5 of the twenty-first Annual Report of the Sanitary Commissioner, N. W. P. and Oudh :—

It will be seen that the recorded number of births for 1888 is less than the number for the preceding year, by 21,296.

The ratio of births per thousand of population was 38·25 as compared with 38·74 for 1887. In other words, the births-rate for the two years was nearly the same.

The foregoing birth-rate is calculated on the census figures of 1881. If the *natural increase* of the population, or the number by which the births have exceeded the deaths since 1881, amounting to 2,526,636, is added to the census numbers of 1881, and the birth-rate calculated upon the resulting total, the ratio for 1888 would be 36·13 and not 38·25.

Although a circular was issued last year by the Government to all district officers, with the object of securing greater attention to the record of vital statistics, little improvement has followed. The same neglect to

record births and deaths, but especially the former, continues to be observed wherever registration is made the subject of inquiry. It is safe to assume that the actual birth-rate in these provinces is as much over 40 per thousand as the recorded statistics make it to be under 40 per thousand of population.

Here is the opening sentence of para 17. "The insanitary condition of the villages of the provinces has frequently been described: it could hardly be worse than it is; yet the recorded statistics show that their inhabitants are greatly healthier than the inhabitants of town." As to the causes of death in 1888 there was a decrease under the departmental headings *Cholera, Fever, Bowel complaints*; and an increase under the headings *Small-pox, Injuries and all other causes*. In view of cholera as a "preventable disease," credit is claimed for the fact that, owing to sanitary precautions, there has been no outbreak of cholera at any of the great fairs held in the N. W. P. and Oudh, during the past three seasons.

*Report on the Horticultural Gardens, Lucknow, for the year ending 31st March 1889.*

THE incidence of the seasons has borne hardly on Horticultural Gardens at Lucknow. Extreme heat in May and June 1888, proved fatal to fruit trees: untimely rains in February and March 1889, no less fatal to experimental wheat crops. Experiments made in the culture of grasses for hay and fodder "were not encouraging." But flower culture prospered, and the sale of ornamental trees and plants was greater than in any previous year. Experience has shown that both soil and climate at Lucknow are unsuited to the Mandarin orange, and trees of that graft are to be replaced by local *kewla*. Fifty-seven alùbukhara trees have been planted on the site of an old, fruitless, uncongenial vinery. From seeds sent by Mr. Reasoner of the Royal Palm Nurseries, Manatee, Florida, plants of the following fruit trees have been raised:—

- Prunus chickasa (Chickasaw plum).
- Flacourtie sepiaria.
- Diospyros virginiana.
- Psidium Chinensis (described as a hardy yellow guava).

We are glad to find that improvement of the principal country vegetables by selection is being steadily persevered with. Although in some, little or no improvement is apparent, yet in others better form and size are shown. Hill potatoes for seed, although appreciated by native growers, are too expensive, as they cost 3 Rs. per maund at the nursery, and from Rs. 1-13-0 to 2 Rs. per maund for carriage to Lucknow. Fairly good crops of two kinds of dwarf Frellich beans were secured by

sowing early in September. When sown in October, plants are usually killed by cold before bearing. The kinds grown were Sutton's miniature Haricot and Canadian Wonder. The following information about fodder grasses will be acceptable to many. For the last three years small plots of the following indigenous fodder grasses have been grown :—

<i>Local name.</i>		<i>Botanical name.</i>
Buxa	...	<i>Apluda aristata.</i>
Janawa	...	<i>Andropogon Bladhii.</i>
Karmakra	...	<i>Eleusine ægyptica.</i>
Goolgooly	...	<i>Eragrostis plumosa.</i>
Seoree	...	<i>Panicum sanguinale.</i>
Gamoyah	...	<i>Panicum antidotale.</i>

All but the last named were grown from seed sown in the beginning of the rains. The chief result of their cultivation has been to show that they are, with the exceptions of Buxa and Gamoyah, too short in length to make it worth while growing them alone for either hay or pasture, but they might with advantage be mixed with the latter grasses for both purposes.

Gamoyah is a strong rather coarse grass, growing mostly in dry banks and slopes where cultivation is not in force, and conspicuous by its green succulent growth in the dryest and hottest months of the year ; though not much appreciated by cattle in its wild state, it was thought that, under cultivation and by cutting it when tender, it might prove useful by yielding a supply of green fodder, with little or no irrigation at a season when green grass is hardly obtainable. During a two years trial the results, however, have been so poor, that it must be pronounced a failure under cultivation, both with or without irrigation or level ground.

Finochio was grown for the first time. Sowings on a small scale were made of two varieties, large and small. Both grew well ; and it is opined could easily be produced in India in the cold weather, if sown in September or October.

More than usual success was had with two kinds of English vegetable marrow, *viz.*, Sutton's Vegetable Marrow and "Marrow Green Bush." They were grown in trenches in a sheltered spot, the chief point in their cultivation seems to be not to overwater. In this instance none was given till necessary.

As to flower culture we are told that there is nothing calling for special notice in flower culture this year. The standard and other choice flowering annuals were grown in considerable quantity for seed, for which there continues to be a good demand. New species and improved varieties of old kinds are yearly imported and tried. Some excellent petunias, both of the improved double and single strains, were successfully grown, and attracted much attention. The new strain of pansy, known as Giant or Trimerdeau, has also been most successfully grown for the last three years, but as yet it has failed to yield perfect seed.

Here is mention of an interesting experiment :—

By cutting over nearly all the plants large enough to be cut, sufficient bark (16 maunds) of the paper-mulberry (*Broussonetia papyrifera*) was obtained to admit of an experiment being made with it in the Lucknow Paper Mills. A copy of the Manager's report on the experiment has already been sent in, so that it is not necessary to enter into the details of it here, further than to quote his opinion as to its suitability for paper-making. He states :—

"There is no question as to its being a most suitable fibre for paper-making and that of the very finest classes, with a portion of about half paper-mulberry and half múnj (*Saccharum Sara*) or Bhábar grass (*Pallionia eriopoda*)."

The important question of cost of production, however, has to be considered ; and this, I fear, bars it from becoming available as a paper-making material grown on the plains.

Our experiment in its present circumstances has little chance of affording conclusive evidence on this point, as owing to poor soil, want of sufficient water and manure, the full growth of which the plant is capable cannot be ascertained.



## CRITICAL NOTICES.

### GENERAL LITERATURE.

*Life of the Marquess Wellesley, K. G.* By Colonel G. B. Malleson, C.S.I. London : W. H. Allen & Co. 1889.

COLONEL MALLESON'S name is a guarantee for painstaking historical accuracy, and picturesque delineation of facts. The story of the Marquess Wellesley's career could not have been entrusted to hands more congenial. It is a story showing that the hero of it did with all the might that in him lay all that he could do to make history, and succeeded in creating for himself an environment of events susceptible of picturesque treatment by the historian. It is claimed for him that he was born great, and that he achieved greatness in himself and for himself. The first claim is not to our thinking as well established as the last. The Somersetshire Wesleys appear to have been from generation to generation small country squires, too bucolic to be either clever, powerful or rich. A family respectable enough, but contented with Quarter Sessions fame and parochial ambitions. It had not inherent vitality enough to keep alive, and came virtually to an end in 1745, in which year Garret Wesley dying, without issue, made Richard Cowley, a cousin once removed, his heir. The Cowleys had emigrated from Staffordshire to Ireland in the reign of Henry the Eighth, had acquired an estate there, and had prospered : even Irish landlords were able to thrive three hundred years ago. Richard Cowley, on coming into his cousin's property, assumed the name of Wesley, and was rewarded for his good luck by a peerage, with style and title as Baron Mornington. His son Garrett composed music and was created Viscount Wellesley, and Earl of Mornington. He married a daughter of the first Lord Dungannon, and redeemed the family record from mediocrity by begetting the Iron Duke, and the subject of Colonel Malleson's memoir. A hero from his cradle onwards. His forward career is lovingly pictured step by step through Eton and College days,

and so on. Colonel Malleson thinks that "in him the Natives of India, princes, traders and peasants, recognized the typical *Avg'Avdρων*, the king of men whose word no man dared to dispute :" thinks also that by the descendants of those princes, traders, and others "throughout the vast peninsula of which he made a British dependency, his name is still remembered and reverenced." Our faith in Indian loyalty to sentiment, or even in Indian faculty for memory is not so strong. Faith in a hero inspires perhaps a theosophic sort of belief in the magnetic attractions of his memory. In the book now before us it certainly induces loyalty to an ideal. Take for instance this extract from its author's summing up :—

But it was neither his oratory, nor his political foresight in English politics, nor his long advocacy of the claims of the Catholics, nor his just and impartial government of Ireland, which have secured for the Marquess Wellesley an eternal place amongst the great men of England ; amongst the makers of the British Empire. It is for his Indian Administration that posterity will love, reverence, and honour his name. If Clive, by his expulsion of the French from southern India, and by his conquest of Bengal and Bihar, laid the foundation of the coming Empire ; if Warren Hastings, by his transactions with the Nawāb Wazīr of Oudh, by the promptitude with which he despatched troops to rescue Madras from the clutches of Haidar Ali, and by the vigour with which he combated the projects of the Maiāthás in western and central India, extended its borders and increased its *prestige* ; it was Wellesley who welded it into one mass, who consolidated it, who gave it the imperial form which it has since retained. It was Wellesley who, finding it but the equal of each of two independent Native Powers, made it predominant and paramount. It was Wellesley who, finding Brittish *prestige* at its lowest point, raised it to its highest. He alone did it.

By the same token the Marquess's Indian acquired habit of autocracy proved at times, on another stage, inconvenient to himself and an awkwardness for his colleagues in the English Cabinet, when brought into collision with parliamentary scrutiny of the conduct of affairs. For particulars pages 175, 176 and 177 of the memoir may be consulted.

To his hero Colonel Malleson assigns all the credit of the victory over Tippoo Sultan, won by General Harris and the troops under his command. As to the Nizam and the settlement of his affairs—the Marquess, we are told, treated the Nizam much as in 1871 Prussia treated the German Princes. While guaranteeing the Indian Prince's dominions, he deprived him of all power to treat with foreign states, the best part of his sovereign power.

The story of the Mahratta wars, of Assay, Argaum, Laswari, of Lake's and Sir Arthur Wellesley's victories, of the Governor-General's plan of campaign, of Monson's retreat, Holkar's surrender, "his whole kingdom on his saddle bow," all this is well and soldierly told. And then we are told how the Mahratta wars ruined the Governor-General's reputation

with his employers, the Directors of the East India Company ; how, on news of the breaking out of hostilities, India stocks which had been at 215 fell to 160, how the Directors felt this to be a crime unpardonable, since it affected their breeches pockets, how the Governor-General's fancy for building a palace at Barrackpore was shorn of its grand proportions by their command. Finally, how, in March 1805, according to Mr. Torrens—

"Two letters were received in Calcutta by the overland route, announcing the re-appointment of Lord Cornwallis to the Governor Generalship of India. One of these letters was received by Mr. J. Alexander, the other by Mr. Tucker. Both gentlemen determined to keep their information to themselves : but a rumour was soon in circulation to the effect that overland letters had been received in Calcutta, and Lord Wellesley sent for Mr. Tucker. After some conversation, the Governor-General exclaimed : 'I hear you have received letters from England.' Mr. Tucker assented, and Lord Wellesley asked, 'Do they contain any news of importance?' 'The appointment of Lord Cornwallis,' was the reply. The accomplished actor was too much master of himself to indicate by look or gesture any opinion of the choice which had been made. But he had abundant information from confidential sources of the reasons which had led to it, and he well knew that it implied the reversal, in many essential particulars, if not the general renunciation, of his comprehensive policy."

Four pages further on Mr. Torrens is again quoted, thus :—

"Lady Wellesley and her children awaited him on landing, and several private friends pressed round him with kind welcomes. The Post Admiral was also there, and certain military officials eager to see the little-man of whom they had heard so much, and of being able to say that he had shaken them by the hand, a familiarity the thought of which had never occurred to him. There was, in short, no lack of fuss and even of affection ; enough to content any ordinary general or envoy returning home. But he was neither. He had been playing king until the rarefied atmosphere of kingship had become so habitual, that the murk of commonplace in the best room of the best inn in a half-lighted seaport town almost stifled him. Had the successor of Aurangzib come to this? There he was, with wife and children, and two or three friends from town, after all his impersonation of paramount power and impersonation of Oriental magnificence, made much of by vulgar waiters just like any other Irish Marquess on his travels. He did his best to look pleased and be gracious, but his mortification was unspeakable : and ere dinner time was half over he broke out in expletives of impatience that made the circle stare. Hyacinthe (his wife) forgetting all that had changed their lot in life, since the time when as a youthful and hardly known official he had sat at her feet adoringly, said, with an unlucky laugh, 'Ah ! you must not think you are in India still, where everybody ran to obey you. They mind nobody here.' The disenchantment was complete. He rose early from table and withdrew saying he was ill, and must be left alone ; nor could any subsequent explanation or expostulation mend the matter. It was the foretaste of a long course of disappointment and vexation, wholly unanticipated, that was in store for him."

*Lives of Indian Officers.* By Sir J. W. Kaye. Vol. II. New Edition. London: W. H. Allen & Co., 13, Waterloo Place, 1889.

THE new edition of Kaye's *Lives of Indian Officers* bears witness to the popularity of the work, the second volume of which contains biographies of Sir Alexander Burnes, Conolly, Pottinger, D'Arcy Todd, Henry Lawrence, Neill and Nicholson. For Englishmen the story of these men's lives will never lack interest. Everyone knows how well Sir John Kaye can tell it. The concluding sentences of his second volume of Lives would, it seems to us, serve fittingly as a preface to it, as it reveals the main secret of the author's literary successes. We quote them:—

Believing that the best biographies are those in which the autobiographical element is the most prominent, I have endeavoured in all these sketches, to make the men of whom I have written tell, as fully as possible, the stories of their own lives; and I have ever sought the aid of those survivors who have known them best. And I believe that, by so doing, I have imparted an amount of vitality to my narratives which, had I trusted more to my own words, would have been absent from them.

In reviewing to-day this new edition of the Lives, we do not propose to re-travel over trunk roads already familiar: it would seem to be more profitable to stroll in byways and note possibly unconsidered wayside incidents. "What's in a name?" Sir Alexander Burnes at any rate thought that in his there was serviceability for the work he was appointed to do. Often, especially in the early part of his career as a "political," was it helpful to him to be known as Sekunder Burnes in Afghanistan, and the wild adjacent countries where memory of Alexander of Macedon has lived through all the centuries and buried Babylons that since his time have scrambled towards the world's fulfilment, and the to-day's eighth wonder of the world—the Eiffel Tower. Here is a jotting from a diary, common place and platitudinarian enough for a lady's album, but which nevertheless a good many bookworms might do worse than mark and digest:—

Ever since I ordered my servants to address me in Hindostanee, I find my improvement very great, and I am persuaded that there is no method more effectual in acquiring the language than the one I am at present pursuing, for it unites the theoretical and the practical.

When, in 1832, Burnes went on his first Mission to Cabul, accompanied by Dr. Gerard, a naturalist, and by a native surveyor and his stock in trade, no suspicions were aroused even in innately suspicious Afghan breasts:—

There were at that time no jealousies, no resentments, between the two nations. The little knowledge that they had of us, derived from the fast-fading recollections of Mr. Elphinstone's mission, was all in our favour;

and we in our turn believed them to be a cheerful, simple-minded, kind-hearted, hospitable people. Along the whole line of country, from Peshawur to Cabul, which cannot now be even named amongst us without a shudder, the English travellers were welcomed as friends.

While on his travels, Burnes, although an accomplished linguist, and habited as an Asiatic, never concealed the fact that he was a European. Being "political" however, it was not to be expected that he should be entirely without guile; and so we read :—

When they ask me if I eat pork, I of course shudder, and say that it is only outcasts who commit such outrages. God forgive me! for I am very fond of bacon, and my mouth waters as I write the word.

Here is a teaching of experience which the English Foreign Office has yet to learn seemingly :—

After the Punic faith which Russia has exhibited, I confess I was astonished to see Lord Clanricarde put trust in what Count Nesselrode told him of the strength of the Russian force, and you may rely upon it we are better judges of what Russia is doing in Turkistan than our ambassador at St. Petersburg.

To page 77 is appended this note—interesting in more ways than one :—

When men—especially men of active habits—have very little to do, they are frequently disturbed by small troubles, which, at times of greater activity, would pass unnoticed. At this period Burnes was greatly irritated by some comments on Assghan affairs in the Calcutta and Agra papers. With reference to a letter in the Agra *Ukbar*, which had reflected on some of the proceedings of Dr. Lord, Burnes wrote to his friend, saying : 'I think that a simple letter under your name calling the man a cowardly slanderer and a villain, or some such choice word, would be a good mode of rebutting him.' As if truth were to be established by calling men hard names! In another letter Burnes wrote to Lord : 'You have a viper in your Artillery named Kaye, who writes in the *Hurkaru*, &c. &c. The viper referred to is the writer of this book. I had, as a young man, perhaps a little too fond of my pen, emphatically protested against our entire policy in Afghanistan, and predicted its speedy collapse—which prediction, in the first flush of success, my countrymen in India, with few exceptions, were wont to deride.'

Burnes wrote to his brother from Cabul in November 1840 :—

You regret about my name and the Russians. Nine-tenths of what is attributed to me I never said, but I did say the Russians were coming, and that, too, on 31st of October 1839, and come they did; and Lord Auckland would never believe it till March 1840! He heard from London and from Khiva of the failure simultaneously, and they wonder why we did not hear sooner. We have no mail coaches here, and hence the explanation.

He dealt largely in correspondence and diaries. Moralizing in one of the latter over a life of Sir Sydney Smith that he had been reading, he declared that he found in it support for his belief, that all great men are characterized by more or less "charlatanic." Be that as it may, Sir John Kaye holds that

the cardinal motive power with Burnes was—enthusiasm ; which may, in some measure, account for his disagreements and difficulties with Lord Auckland and the Indian Foreign Office. But it is hard to drive enthusiasm and diplomacy in a pair. Machiavelli is, perhaps, the only example we can think of.

In enthusiasm, however, Arthur Conolly assuredly did not lag behind the canny Scotchman whose memoir precedes his in Sir John Kaye's scroll of fame ; but the quality of it, in the two men, was widely differentiated by temperament and circumstance. Conolly's life story is a tragic one ; a very sad one, but to some men there are no joys that can equal those of self-sacrifice, of unsought self-martyrdom. Of such was Arthur Conolly. Such a man born in other times would have been a Knight Templar, and would have found comfort in being one of the most chivalrous and daring of the brotherhood. As it was, an overwhelming sorrow, that would have broken a weaker man's heart, served to chasten and purify his, and to spur him on to valiant deeds. It was not permitted to him in his young, bright manhood to marry the woman he loved with all the intensity of his loving nature, and by whom he was beloved ; but he went through life without repining and without a murmur. "Thenceforth humanity became his bride, and airy hopes his children." His waking dreams were of a latter day crusade against Central Asian slave-hunters and slave markets, in which some Europeans, as well as tens of thousands of Asiatics were bought and sold, beaten and evil entreated. For their deliverance Arthur Conolly worked and schemed. He welcomed the command of a diplomatic Mission to Khokand and Khiva as an indirect means to this end. In September 1840, after many disappointments and official haltings between two opinions, it was allowed to start from Cabul, charged with diplomatic instructions to counteract the growing influence of Russia in Central Asia, and to promote friendly relations with the British Government wherever it went. The tragic end of its endeavours is matter of history. It was settled that an Afghan envoy should accompany Conolly : but there was considerable difficulty about the selection of the envoy. "One candidate for the office was said to be a dreadfully modest man, who had never been heard of out of the Shah's chambers, and his Majesty confessed that he was chiefly meritorious as a candle-snuffer." A fortnight after the Mission had started Conolly wrote in his journal : "The articles which the Hazarehs and Imauk take to market are *men and women*, small black oxen, cows, sheep, &c." At Maimunah he found that slaves were market representatives of value, the current *cain* of the neighbourhood. The Cabul envoy with Conolly

found his official anti-slavery professions overbalanced by his slave-dealing intuitions, and did a little quiet trade in human flesh and blood on the road. *Apropos* of intuitions, here is an extract from page 156 of the memoir :—

But what shall we say for Russia's return to the barbarism out of which she has been striving in so many ways to grow? Unless Count Nesselrode abandons the point of the treaty, he will be compared to the cannibal woman of New Holland, who, after having been restrained from the evil propensity of her girlish days, and made to educate a whole colony of white children with the utmost tenderness, fell sick beyond physician's healing, and was told that she might eat any thing she took a fancy to, when she with dying accents expressed a longing for the arm of a young baby.

We get occasional glimpses of Wolff, the christianized Jew Missionary, who was "both untidy and uncleanly, but not unwilling to be reformed." Sir John Kaye is not singular in his opinion that "diplomacy and philanthropy are too often divorced." By way of commenting on the failure of one of Arthur Conolly's schemes, he writes :—"But the ardent philanthropist was only a regimental subaltern."

Here is an anecdote about Major Eldred Pottinger, the hero of the defence of Herat against a Persian army in 1837-38: the scene, Lord Auckland's camp :—

He was, of course, invited to join the Government circle at dinner; but nothing was known of his arrival until the guests were assembling in the great dinner-tent. Then it was observed that a 'native,' in the Afghan costume, was leaning against one of the poles of the tent; obviously a shy, reserved man, with somewhat of a downcast look; and the Government-House Staff looked askance at him, whispered to each other, wondered what intruder he was, and suggested to each other that it would be well for some one to bid him to depart. But the 'some one' was not found; and presently the Governor-General entered, and leading his sister, Miss Eden, up to the stranger, said, 'Let me present you to the hero of Herat.' And then, of course, there was a great commotion in the tent, and in spite of etiquette, the assembly burst into something like a cheer.

On the "Lives" of Sir Henry Lawrence, General Neill, and General John Nicholson we make no comment. The record of their fame is well within the memory of the present generation.

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*Notes on Grant's Xenophon.* By Geo. Maddox, B.A., Professor of Logic and History, Doveton College, Madras. Irish Press, No. 163, Popham's Broadway.

**T**HIS little publication ought to be in the hands of every student who has to read "Grant's Xenophon" for the First Examination in Arts of the Calcutta University. The notes given are just such as an Indian student requires. All allusions are explained fully, and every textual difficulty most carefully elucidated. Professor Maddox does not have recourse

to the superficial method of annotating adopted, all but universally, by so-called Professors of the English Language in Native Colleges—we mean the habit of giving merely the *meanings of words*, and quietly passing over the *explanation of phrases*, the purport of which a student frequently finds he is unable to grasp. To illustrate this, let the reader turn to page 40, and read the note on the phrase, "*Gothic Sentimentalism.*" He will notice that each word is first explained, and next the signification of the whole phrase given in the clearest language. Or, let the reader turn again to page 86, and read the note on "*Utopian excellence,*" and he will see how the meaning of this, too, is brought out.

The reader's attention is also drawn to some of the grammatical peculiarities of the English Language, *e.g.*, a capital note on the termination "*ing*" on pp 54-55. In some instances, a question is asked to set the student a-thinking, and although we are aware that the utility of this method has been questioned by some, yet we are of opinion that much good might be derived from it, if used aright.

The price of the publication is a rupee only, and any student investing that amount in the purchase of these Notes, will have no cause to repent of it.

*The Fauna of British India : including Ceylon and Burma.*

Published under the authority of the Secretary of State for India in Council. Edited by W. T. Blanford. Fishes.—Vol. I. By Francis Day, C.I.E., LL.D., etc., Deputy Surgeon-General, Madras Army, (retired). London : Taylor and Francis, Red Lion Court, Fleet Street. Calcutta : Thacker, Spink & Co.

D R. DAY'S "Fishes of India," published some ten years ago, fully established his claim to authority in his special subject, and it was a matter of course that he should be selected to treat of it in the account of the Fauna of British India now being published under the authority of the Secretary of State for India. Dr. Day did the work required, and then broke down ; his health failed him ; he was unable to attend to some needful compression and revision, or to correct the proofs. All that has been done by Mr. W T. Blanford. Conscientiously, we may be sure. The area dealt with in this useful contribution to our store of natural history knowledge, embraces British India as well as Ceylon, Nepal, Cashmere, Beluchistan, the Andaman Isles, etc. It is in the main an abridgment of "Fishes of India." We are glad to see a full index : a notable aid to the value of such a work as this. The illustrations, too, are well executed, and likely to prove serviceable.

*A Quarter Century of the Mahomedan Literary Society of Calcutta.* Stanhope Press, Calcutta, 1889.

THIS little pamphlet gives a *résumé* of the work of the Society from 1863 to 1889. The Society, started under manifold difficulties, has successfully for a quarter of a century weathered the vicissitudes and anxieties of a period of constant changes. The Mahomedans had been gradually falling away from their former glorious traditions, partly because they valued their religion more than secular instruction. In 1836 the abolition of Persian as the Court language inflicted a severe blow on their interests, which again were grievously injured by the abrogation of the Mahomedan Criminal Law and the promulgation of the Indian Penal Code.

In 1863, Nawab (then Maulvie) Abdul Luteef Khan Bahadur conceived the idea of arousing the Mahomedan community into literary activity and public spirit by establishing a Society, where Mahomedans might meet for intellectual enlightenment and social intercourse.

During 1863 and 1864 many meetings were held. It was the object of the founders also to promote social intercourse and interchange of thought among the different communities of Her Majesty's subjects. To carry out this object the first grand *conversazione* was held at the town hall on the 13th March 1865. The second *conversazione*, held on the 6th March 1866, was honoured by the presence of the then Viceroy, Lord Lawrence. The annual *conversazioni* and the monthly lectures on scientific and historical subjects, at a time when there was no Science Association, have given an immense impetus to general education.

The Mahomedan Literary Society has always been conspicuous for its loyalty. In 1872, when the Prince of Wales recovered from his dangerous and prolonged illness, the Society made arrangements, whereby the entire Mahomedan community of the town and suburbs of Calcutta offered up thanksgiving to the Almighty Creator for the joyful deliverance. Again, on the occasion of Her Majesty's escape from an attempt on her life in the beginning of 1882, the Society forwarded an address of loyal congratulation. The Society has always been to the front in presenting addresses of welcome to successive Viceroys and Lieutenant-Governors. It has, on more than one occasion, rendered good service in calming the minds of its more ignorant and bigoted co-religionists, whenever there happened to be unusual agitation amongst them. During the Wahabee movement in 1870, the Society convened a meeting of Mahomedan gentlemen of 'light and leading,' and they conclusively showed, from references to the religious works of

Islam, that British India was *Darul Islam*, (the country of Islam or safety), and that as such, "it would be unlawful and irreligious for the Mahomedans to preach a *Jihâd* there against the Ruling Power." Five thousand copies of the proceedings were published and circulated throughout India.

We congratulate the Society on the completion of the 25th year of its existence. The good work it has done has been due principally to the wise moderation and enlightenment of its Committee of Management, and particularly of its Secretary, Nawab Abdul Luteef Khan Bahadur, C.I.E. The same wise moderation is conspicuous in the letter which was written by the Society in 1886 to the Congress Reception Committee which we reproduce here, because it is likely to become an historical document. It was in consequence of this letter that the Mahomedan community, throughout the length and breadth of India, held aloof from the Congress.

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From Nawab Abdul Luteef Khan Bahadoor, C. I. E., Secretary to the Mahomedan Literary Society of Calcutta, to the Hon'ble Baboo Peary Mohun Mookerjee and J. Ghoshal, Esq., Members of the Reception Committee, dated Calcutta the 22nd December 1886.

GENTLEMEN,

The Committee of Management of the Mahomedan Literary Society of Calcutta desire me to acknowledge with thanks the receipt of the invitation which you have conveyed to them, on behalf of the Reception Committee to take part in the Congress of delegates from certain towns in India, which it is proposed to hold shortly in the rooms of the British Indian Association.

2. The Members of the Committee of the Mahomedan Literary Society are fully convinced that the aim of the forthcoming Congress is to promote measures which it is considered will tend to the amelioration of the condition of the peoples of India; and they would greatly regret to do any thing which would have even the appearance of withholding from such a worthy object any support which their co-operation might give. At the same time, the Committee are not unmindful of the harm which might arise from any premature and hasty consideration of difficult and momentous questions such as it is understood will come within the purview of the deliberations of the Congress; nor do they consider that the moment is opportune for forcing any particular views upon the notice of the Government.

3. The Committee further venture to remark that since the establishment of British Rule in India, the condition of the Natives has been systematically regarded by the Government, especially during the past decade, and there are indications in every direction of a determination on their part to further promote the interests of all classes, so far as may be consistent with the requirements of the various nationalities which constitute British India, and to institute all enquiries which may be necessary for that purpose.

4. The Members of the Mahomedan Literary Society regret, therefore, that they do not feel justified, in the interests of the Natives of India and of Mahomedans in particular, in participating in any demonstration of the kind contemplated by the Reception Committee. They are the more confirmed in this opinion, seeing that, as in the past, all classes have the constitutional right of addressing Government and receiving careful attention

from them. This has been the case with such representations as the Mahomedan Literary Society have, from time to time during nearly a quarter of a century, felt it expedient to address the Government in the interests of their co-religionists. With this knowledge guiding them in their relations with the Government, the Committee would rather adhere to this legitimate and hitherto successful mode of procedure in any future matter in which they may consider it necessary to take action, whether on their own initiation, or conjointly with other Associations.

5. The Mahomedan Literary Society, representing the orthodox Mahomedan community in India, which forms the bulk of the Mahomedan population, are not disposed to accept hastily, proposals however well meant, which have a tendency to revolutionise time-honored institutions and to bring about changes which are novel, and which they consider unsuited to the exigencies of the India of to-day, and the various and conflicting interests in it.

6. I am therefore to repeat the regret of the Members of the Committee of the Mahomedan Literary Society, that they are not able to comply with the request of the Reception Committee. They would prefer not to hamper Government in any way at a time when they are aware that the Government are devoting themselves to a careful consideration of how best to meet the natural aspirations of the Natives of India.

I have, &c,  
ABDUL LUTEEF,  
*Secretary.*

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*Tales from Blackwood.* William Blackwood & Sons : Edinburgh and London.

REPUBLICATION of *Tales from Blackwood*, printed in clear large type, on good paper, and available at the very modest price of one shilling a volume, is a happy thought on the publishers' part. They are old favourites, these *Tales*, and bear well the crucial test of re-telling. A third series bears witness to their popularity. In its pages the tastes of all sorts and conditions of readers may find gratification. Lord Wolseley contributes a "Narrative of the Red River Expedition :" somebody else an account of "A ride to Babylon." "A French Speculation" by Lady Margaret Mnjendie is a fresh, life-like picture of French provincial life. "Jack and Minory," a model of what a Christmas story should be, is full of quiet humour, free from mawkish sentimentalism. "Rufus Hickman of St. Botolph's" is an admirable bit of humour. The scene of "A matrimonial fraud," is laid in China, of "King Bemba's point" on the west coast of Africa, "The Puerto de Medina" in Mexico. In short the reader must be hard indeed to please who cannot find in these tales something to interest and please his pet idiosyncracies, whatever they may be.

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*The Indian Church Quarterly Review.* Edited by the Rev. A. Saunders Dyer, M. A. The Oxford Mission Press, Calcutta, 1889.

A kindly face, eloquent of Christian love, is that shown in the portrait prefacing the July number of the *Indian Church Quarterly Review*, and subscribed—R. Caldwell, Bishop. The article in this issue to which the generality of our readers will attach most importance probably, is from the pen of another Bishop—his Lordship of Rangoon. A very able article : “Buddhism, a philosophy of despair,” as opposed to Christianity, the philosophy of hope. Followers after Shopenhauer and the fashion of pessimism, are not likely to derive much satisfaction from it. In order to a right understanding, it must be read in its entirety : and it is well worth reading, no matter if afterwards the reader agrees or disagrees. We shall not attempt here to do more than call attention to a few of its suggestive passages. Few English people are accustomed to think of the Buddhist religious system in connection with dissent ; and yet, as a matter of fact, there are as many avatars, shades, blendings, differentiations of doctrine and practice in Asiatic Buddhism, as there are in Western world dissenting connections :—

The vast empire of China is said to be Buddhistic. The creed was introduced into China about the beginning of the Christian Era. Owing to its embracing and elastic liberalism and its power of amalgamation, it soon became blended with Confucianism and Tauism : so that we are told by competent authority that at this day the monks and medicants are the only true Buddhists in that Empire. In Thibet and Tartary the accretions are still more marked. The old national divinities, the spirits of the hills and streams share with the Buddha the devotion of the people. In Japan, Buddhism is modified by Shintoism and in Ceylon by demonolatry. Whilst in Siam, the native, according to Mr. Alabaster, looks to heaven and not to Nirvána as the reward of virtue. In Burma, the people worship Nats.

On page 241 we find the Bishop writing :—

In the course of Biblical criticism it is found, as we know, that mistakes have been frequently made in the process of transcription of manuscripts ; and there can be little doubt that many errors, owing to intention and inattention and carelessness, must have been made in handing down the Buddha's teaching by word of mouth. Even, if we exclude what is evidently legendary, and take only that which is in accord with, and does no violence to the general principles, we may still fall into error. It by no means follows that a statement is true because it seems so. It is only by sifting evidence, and by comparing the different accounts that we can hope to arrive at, not certainty indeed, but probability.

Is not that a boomerang-fashioned argument ?

Sakyámuni was gifted with much tact. As his critic puts it :—

The subject of Nirvána is confessedly difficult. The difficulty arises from the facts, that the Buddha declined to define it ; and that the term is used in two distinct senses. If attention is confined to one of these two senses, and no notice taken of the other, it is impossible to reconcile what may be regarded as authoritative statements on the subject. On being questioned by one of his disciples as to the eternal continuance of the Ego, the Buddha was silent ; but being pressed for an answer, he at last replied,—“If I, Ananda, had answered, ‘The Ego is,’ that would have confirmed the doctrine of those who believe in Permanence. If I had said, ‘The Ego is not,’ then that, Ananda, would have confirmed the doctrine of those who believe in Annihilation.”

*Persian Anthology ; being selections from the Gulistân of Sa'dî the Rubaiyât of Hâfiz, and the Anvâr-i-Suheili.* Rendered into English verse by Alexander Rogers, late Bo. c.s. London : Bevington & Co

M R. ROGERS has been wiling away the tedium of rest after a busy life by more or less rhymed translations of Persian poetry —selected, we are told, as models of style. Alas, style cannot be translated. Mr Rogers's translations have been effected, we are told, as literally as possible. Perhaps that is why those taken from the Gulistân strike us as flat, and lacking in point. The renderings from the Rubaiyât we like better : they are at any rate less commonplace, e.g. :—

I asked : "What is thy lip?" "Life's water 'tis," she said.  
I asked. "What is thy mouth?" "A sugar jar," she said.  
I said : Thus also Hâfiz says." She said :  
"The joy of jesters is the pray'rs they've said."

To pound up in a mortar ev'ry earthly sphere,  
Or heaven's arches nine with one's heart's blood to smear,  
Or captive in a jail a hundred years to be,  
Are better than a moment in fools' company.

"I twined myself among her spikenard hair,  
"Help me, o'erwhelmed with grief," I made my pray'r.  
"O take my life and leave my locks," she said.  
"Wish not long life, nor e'er of joy despair."

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*Anglicized Colloquial Burmese : Or how to speak the language in three months :* By Lieut. F. A. L. Davidson, Royal Scots Fusiliers. London : W. H. Allen & Co., 1889.

WILLING to do a service to fellow sufferers required to acquire the Burmese language with expeditionary speed, Mr. Davidson has compiled this handy little manual. It is warranted to teach all that beginners needs must know, in three months. Better than that perhaps, "the words are Anglicized and not Romanized, and in many places the spelling is not strictly according to the Burmese, but rather, as it would be pronounced in English." Part VI, of the Manual consists of samples of Burmese manuscripts as set for examination, to which this note of warning is prefixed :—

"Manuscripts are not necessarily written and spelt correctly in examinations, but are often purposely made incorrect, in order to mystify candidates."

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*The National Review.* July and August 1889, London : W. H. Allen & Co., 13, Waterloo Place, S. W. 1889.

BESIDES other very readable articles, the *National Review* for July contains an amusing *jeu d'esprit*—"Dr.

Johnson on modern poetry." The shade of the author of "Lives of the British poets" is "interviewed" in the Elysian fields, A. D. 1900, by a literarily inclined flâneur of that time, and the course of talk turns to modern poetry. A talk in which some of the conversational peculiarities of the autocrat of the Literary Club are humourously reproduced, though without any sesquipedalian strainings. Elysium is a wide domain it seems, and it took Dr. Johnson some time to discover his old cronies :—

*Johnson.*—Including, as you say, Mr. Boswell; though you are to understand there hath arisen betwixt Mr. Boswell and me—I would be loth to say an estrangement, but just that shade of coolness which I observe to be far from uncommon in the posthumous intercourse of authors with their biographers.

*Int.*—I have noticed the same thing. Carlyle and Mr. Froude, . . .

The Doctor does not profess much love for "one Words-worth of whom you may have heard." The interviewer pleading guilty to this, the interviewed proceeds to decry the pretensions of a poet who, before the society of wits and scholars, preferred that of clowns and hinds, and the savage wilds of Westmoreland, "where man is only less rude and forbidding than nature." Of Robert Browning, the Bolt Court Oracle had a higher opinion, although confessing to the terrors of his style. "Yes, Sir, Browning could read men. The pity is, men cannot read Browning." Keats, though not a scholar, is held to have had far more of the instinct of scholarship than Shelley. Tennyson is discriminated as "a master who had the art of precision in luxuriance. I could wish his thoughts were no less invariably exact than his expression." We are sorry to find the Johnson of the Elysian fields more than unappreciative of the beauties of Rossetti's poetry. And we should have liked to be favoured with his opinion about "Atalanta in Calydon," "The Earthly Paradise," Mr. Robert Buchanan's work, and those adaptations of an auction sale catalogue, seasoned with revolting animalism, which Walt Whitman is pleased to publish as poetry.

*The National Review* continues to maintain a deserved reputation for variety and interest. "The religion of our boys," in the August issue, is worth the attention of parents and guardians; and politicians might do worse things than study Major Elsdale's article on the "South African Problem." "London in the 17th Century" is very readable.

## DISCOVERY OF AN ASSYRIAN LIBRARY 3,500 YEARS OLD.

## PROFESSOR SAYCE'S DESCRIPTION OF IT.

THE Victoria Institute of London held its annual meeting at Adelphi Terrace on July 1st. The adoption of the report for the past year was moved by Sir Henry Barkly, G.C.B., F.R.S., and seconded by Admiral Sir Leopold McClintock, F.R.S., after which it was announced that family matters, consequent on the death of his father, prevented Professor Sayce's presence, and he had chosen the Rev. Dr. Wright, author of "The Hittites," to read the Address. It gave an historical description of what has become known in regard to the conquests of Amenophis III., as shown by the archives of his palace, which have only lately been discovered, and which the Professor went last winter to investigate on the spot before writing the Address for the Victoria Institute. Of the tablets and inscriptions, he said:—"From them we learn that in the fifteenth century before our era,—a century before the Exodus,—active literary intercourse was going on throughout the civilised world of Western Asia between Babylon and Egypt and the smaller states of Palestine, of Syria, of Mesopotamia, and even of Eastern Kappadokia. And this intercourse was carried on by means of the Babylonian language, and the complicated Babylonian script. This implies that, all over the civilised East, there were libraries and schools where the Babylonian language and literature were taught and learned. Babylonian appeared to have been as much the language of diplomacy and cultivated society as French has become in modern times, with the difference that, whereas it does not take long to learn to read French, the cuneiform syllabary required years of hard labour and attention before it could be acquired. We can now understand the meaning of the name of the Canaanitish city which stood near Hebron, and which seems to have been one of the most important of the towns of Southern Palestine. Kirjath-Sepher, or "Book-town," must have been the seat of a famous library, consisting mainly, if not altogether, as the Tel el-Amarna tablets inform us, of clay tablets inscribed with cuneiform characters. As the city also bore the name of Debir, or "Sanctuary," we may conclude that the tablets were stored in its chief temple, like the libraries of Assyria and Babylonia. It may be that they are still lying under the soil, awaiting the day when the spade of the excavator shall restore them to the light. The literary influence of Babylonia in the age before the Israelitish conquest of Palestine explains the occurrence of the names of Babylonian deities among the inhabitants

of the West. Moses died on the summit of mount Nebo, which received its name from the Babylonian god of literature, to whom the great temple of Borsippa was dedicated; and Sinai itself, the mountain "of Sin," testifies to a worship of the Babylonian Moon-god, Sin, amid the solitudes of the desert. Moloch or Malik, was a Babylonian divinity like Rimmon, the Air-god, after whom more than one locality in Palestine was named, and Anat, the wife of Anu, the Sky-god, gave her name to the Palestinian Anab, as well as to Anathoth, the city of "the Anat-goddesses."

In a careful reading of the tablets, Canon Sayce came upon many ancient names and incidents known up to the present only from their appearance in the Bible. All these he carefully described, as well as several references in the tablets to the Hittites.

In regard to another point, he said :—

"Ever since the progress of Egyptology made it clear that Rameses II. was the Pharaoh of the oppression, it was difficult to understand how so long an interval of time as the whole period of the 18th Dynasty could lie between him and the 'new king' whose rise seems to have been followed almost immediately by the servitude and oppression of the Hebrews. The tablets of Tel el-Amarna now show that the difficulty does not exist. Up to the death of Khu-on-Aten, the Semite had greater influence than the native in the land of Mizraim."

Referring to those who have formed opinions as to the non-historical character of the Pentateuch, Professor Sayce said :— "The Tel el-Amarna tablets have already overthrown the primary foundation on which much of this criticism has been built."

Professor Sayce closed his paper with a peroration of great eloquence as to the duty of searching for the rich libraries that must lie buried beneath the sands of Syria and Palestine, a matter the importance of which has been urged in the Victoria Institute's *Journal* more than once, especially in the last volume, presented to all its supporters. A vote of thanks was passed to Professor Sayce for his splendid Address, and to Dr. Wright for reading it. This was moved by the Lord Chancellor in a speech of great interest, in which he said there was nothing more interesting in the literary history of mankind than such discoveries as those alluded to in the Address, which he considered a perfect mine of wealth. M. Naville, the Egyptian discoverer, expressed his admiration of the labours of Professor Sayce, and declared the discovery the greatest one of the present century.

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*Catalogue of the Sanskrit Manuscripts in the Library of the India Office.* Part II. Sanskrit Literature: A. Scientific and Technical Literature. I. Grammar, Lexicography, Prosody, Music. By Julius Eggeling, PH. D., Professor of Sanskrit and Comparative Philology in the University of Edinburgh. London: Printed by order of the Secretary of State for India in Council. 1889.

WE have to thank Dr. Eggeling for Part II of his Catalogue of Sanskrit Manuscripts in the Library of the India Office. It deals with works on scientific and technical literature, Grammar, Lexicography, Prosody, and Music; as specimens of Dr. Eggeling's method of treating his raw material, we give two quotations, chosen for their brevity, almost at haphazard.

**2818.** Foll. 38; size 12in. by 8 in.; fairly written, in the Devanāgarī character; fourteen lines in a page. Modern.

The same work.

The cover has the following notice:

'The golden canons' (*sootras*) of *Paniṇi*, the prince of Sanskrit grammarians.'

[SIR C. WILKINS.]

**1383e.** Foll. 53; size 13 in. by 4½ in.; recent Bengālī handwriting eight lines in a page.

*Kātantra vyākhyāsāra* another exposition of the *Kātantra*, by *Harirāma*. The sandhi section. It begins:

विश्वनाथपद्मन्दुं नवा गूरुपदं मया ।  
तन्त्रे हरिरामेष्व वाख्यासारः समाप्तः ॥

ग्रन्थारम्भे शिष्टाचारपरिपालनार्थं निखिलविष्वविष्वातार्थं च  
नमस्कुर्वन्निवधाति । देवदेवमित्रादि ॥

The work is chiefly based on the commentaries of *Durgasimha* and *Trilocanadāsa*. Of other writers belonging to this school, he quotes *Umāpati* (foll. 4b, 5b, 8, 29b, 39b, 42, 44), *Kavirāja* (foll. 8b, 19b, 22b), *Kulacandra* (foll. 11), *Laghurittikāra* (foll. 38b), *Sarīpati* (foll. 18, 26b, 27b, 28, 34, 35, 38; *Sripatisūtra*, ? i.e. *vārttika*, 44b). Of other authorities quoted we may mention *Dharani* (7, 7b), *Medinikāra* (7b, 51), *Ratnakosha* (29) and *Hemakāra* (50, *Hemakara*, 28).

[H. T. COLEBROOKE].

*Coin.* Catalogue No. 3. *Sultans of Delhi.* By Edgar Thurston, Superintendent, Madras Government Museum. Madras: Printed by the Superintendent, Government Press.

**M**R. EDGAR THURSTON, Superintendent, Madras Government Museum, has sent us No. 3 of his Catalogues of Coins treasured in that institution—coins of the Sultans of Delhi. A seemingly meager list, which may, however, be of use to numismatists.

*Life of the Marquis of Dalhousie.* By Captain L. I. Trotter, Author of "India under Victoria." London : W. H. Allen & Co., 13 Waterloo Place, Pall Mall, S.W. 1889.

A N account of the life, career and endeavours of Lord Dalhousie, the most capable and wisely discriminative of Indian Viceroys since Warren Hastings' time, has been edited for the "Statesman series" by Mr. Lloyd Sanders. It has been well done ; adequate compression not having been permitted to interfere with realities, wile sense has in no respect been made subservient to sentiment. Mr. Sanders can fairly claim praise and credit for his work.

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*Four famous Soldiers.* Sir Charles Napier, Hodson, of Hodson's Horse, Sir William Napier, Sir Herbert Edwardes. By T. R. E. Holmes, Author of "A History of the Indian Munity." London : W. H. Allen and Co., 13, Waterloo Place. 1889.

I T cannot be held that Sir William Napier was famous as a soldier, however worthy of fame he may have been in other respects. Mr. Holmes's other three Kathputlies won renown in India ; and an Anglo-Indian public is never tired of hearing about their pluck, their idiosyncrasies, and their circumventions of intrigue and red tape. These three names to conjure with are Sir Charles Napier, Hodson of Hodson's Horse, and Sir Herbert Edwardes.

In the book before us three essays are devoted to their manes, more than half the pages being consecrated to the conqueror of Scinde, whose character evidently fulfils Mr. Holmes's ideal of the heroic, in soldiership and statesmanship alike.

Sir Charles Napier was, his biographer tells us, descended on the spindle side from King Charles the second of England, and (through that connection) from Henry the fourth of France and Navarre. From the former, probably, he derived his Radical proclivities ; from the latter his bump of combativeness. In 1794, when the future conqueror of Scinde was twelve years old, a commission in the 33rd Regiment was procured for him from friends at Court. Soon after that he was transferred to the 89th, and soon after that he was sent to school at Celbridge. It appears that, while he was there, the schoolmaster struck him for some breach of school discipline of which, in his own opinion, he had not been guilty, and master Napier sulked—"shut himself up in a closet for hours, weeping and brooding over his grievance, and did not regain his equanimity for a week." Verily the boy is father of the man. When he was seventeen years old he was made aide-de-camp to Sir James Duff, commanding the Limerick district. A year afterwards he was promoted to a

Lieutenancy in the 95th, joined his regiment at Blatchington, and there got it "borne in upon his mind that discipline is the greatest secret of war." Nevertheless, when he was employed as inspecting field officer in the Ionian Islands, and when he got a letter from the General in command there inviting his attention to a regulation forbidding officers to wear moustaches, he so resented this call of discipline, that "he revenged himself by sending off the hairs, wrapped up in a parcel, to Government House." Perhaps he thought that his previous services in Spain justified this petty exhibition of spleen. He served there under Sir John Moore; and served bravely and intelligently, especially winning credit for his gallantry at Corunna, where he got shot in the leg, stabbed in the back, and taken prisoner. When well of his wounds, the prisoner was exchanged, and reached the British lines in time to take part in the battle of the Coa. At Fuentes d'Onoro he fought for the last time in the Peninsular War, after which he went home, and obtained the Lieut-Colonelcy of the 102nd. Then he went to Cephalonia, and whilst there, longed to lead the struggle for Greek independence. But hard bargaining Greek Deputies would not make it worth his while to resign his commission. "His hopes were shattered :" he married a widow, and went to Bath to settle down. Finding time hang heavily on his hands, he sought an outlet in political strife, on a Radical platform—misconception of his real character which forces even from his panegyrist the commentary, that "he was by temperament unfitted for the *rôle* of a constitutional politician : nature had formed him to enact the benevolent despot."

Sir Charles was next appointed on the Indian Staff when he was 59, "ploughed by deep wounds, and aged by toil, and love, and sorrow." Arrived at Bombay, he paid the purser of the ship that brought him there £500 as passage money ; and then he had only £2 in all the world to call his own. Napier, Mr. Holmes observes midway in his exculpation of his hero from the charge of forcing a war on Scinde, "was undoubtedly eager to prove that the Ameers were guilty :" guilty, that is, of such State treasons and offences as would warrant a declaration of war against them, and annexation of their territory—and apotheosis of the "only General" of that day and generation.

"Outram provokes me," said Napier in his ardour for glory, "he pities those rascals who are such atrocious tyrants, that it is virtuous to roll them over like ninepins," The story of Napier's campaign and the annexation of Scinde has been often told ; but those who wish to refresh their memories on the subject may with advantage consult Mr. Holmes' account of it. He is better at description than analysis.

Our essayist, by way of summing up, moralizes as follows about the inception of the war in Scinde, and his hero's motives and introspections in connection therewith :—

Political morality is, of all branches of ethics, the simplest to the practical statesman, the most subtle and perplexing to the anxious student, the most impracticable as taught by the doctrinaire.

Still, as Napier professed his earnest desire to avoid bloodshed, it is necessary to enquire whether the end which he had in view might not have been gained by peaceful means. It is probable that tact and patient diplomacy, supported by resolution and a calm reserve of irresistible strength, might have induced the Ameers, and even their headstrong feudatories, to submit to the inevitable. Napier was resolute to a fault : but he was no diplomatist ; and it is certain that his excessive sternness, as well as his neglect to explain the benevolence of the Governor-General's intentions, impressed the Ameers with the belief that he intended to conquer their country, and therefore led them to contemplate resistance. If it were possible to tell the whole story in a single sentence, one might say that the Ameers armed because they feared that Napier was going to attack them ; that Napier attacked them because they armed. He did try hard to effect a peaceable settlement—but not in singleness of heart : from first to last he was biassed by the longing to win a famous victory, and more, to bestow upon an oppressed people the blessings of civilisation. He neglected to inform the Governor-General how hardly the article, which provided for the cession of land to Bhawulpore, pressed upon the Ameers until it was too late to set it right. He was certainly wrong in allowing Ali Moorad's claim to the Turban lands to pass unquestioned, and there is considerable evidence to show that this was the proximate cause of the war. Had he allowed Outram to try to prevent the Ameers of Hyderabad from making common cause with those of Khyrpore ; had he thought fit to promise that Roostum should be allowed, if he succeeded in proving his case against Ali Moorad, to recover the lands of which Ali had deprived him ; it is possible that, even at the eleventh hour, war would have been avoided. On the other hand, it is possible that concessions granted at the eleventh hour, would have been attributed by Asiatics to fear, and have been followed by further demands. And even if peace had been preserved, it might only have been for a time. For it is not unlikely that the new treaty would, in its turn, have been broken, or fresh grounds of quarrel have arisen.

Napier having been appointed Governor of the newly conquered territory, and holding in great contempt civilian intellects and capabilities, preferred promising young officers of his army to honor as judges, magistrates, collectors, and so forth. These young gentlemen being ignorant of law and the proper conduct of business, a good deal of muddle naturally ensued. However, in Mr. Holmes' opinion, "these errors did not seriously detract from the general excellence of the administration." Possibly Napier was of the same opinion. In his sixty-sixth year we find him diarizing thus :—"People write to me that I should be made Dictator of Ireland : that would be worth living for. In one year it should be the quietest country in Europe, and one of the happiest in two." Napier could not tolerate criticism on himself, and was very wroth when his masters, the Directors of the East India Company, disapproved.

of the policy he pursued in Scinde. Still more angry was he when the press assailed it. "I can tell these bucks I do not belong to the anti-duelling society, and am a devilish good shot; so if they go too far they may repent too late." So he wrote to a friend. Yet, this man, who was so impatient of criticisms on himself and his doings, was not slow to criticise others—in his own peculiar fashion. He speaks of Lord Dalhousie, for instance, as being "as weak as water"—"a little goose, quite unfit for his place."—and so on. Here is an anecdote that will bear retailing:—

He happened once to be holding a review before some Native Chiefs. Calling a young lieutenant, who was acting as his interpreter, he gave him an elaborated explanation of the manœuvres which he intended to execute, and bade him translate it for the edification of the Chiefs. The youth deferentially saluted. "Listen, you folk," he said to the dignified visitors; "the great man says there will be a fine bit of fun." "Have you explained all I said, sir," asked Napier. "Everything, sir," was the reply. "A most comprehensive language that Hindoostanee," remarked the General, as he rode off with his nose in the air. \*

Mr. Holmes prides himself on his impartiality. Perhaps it is a result of that vanity that he is fain to paint his *Kathputties*, either sheeniest white or demoniac black. For him there is no medium. The characters he sets himself to pourtray are either made to impinge on an angelic standard or they are devils incarnate.

After the eulogy on Sir Charles Napier, the next famous soldier dealt with in his record is Hodson of Hodson's Horse. If a tenth part of the scoundrelism and savagery with which Mr. Holmes charges him is true, then it would be incumbent on honourable men to inscribe his name on a roll not of famous, but of infamous soldiers. Probabilities at any rate are against Mr. Holmes' arbitrary distribution of light and shade in Hodson's case. If he had done what he is said to have done in this arraign for the prosecution—swindled fellow-officers and charitable institutions, flagrantly, and defiantly—would his fellow officers have consorted with him, been proud to follow his lead, loved him, as they did? Mr. Holmes would have us believe that the honour accorded to Hodson by his comrades in arms, was honour accorded to his pluck, and nothing more. British officers love pluck it is true; but they love honour more. Hodson was brave, daring beyond the verge of rashness. But there were hundreds of his brother officers just as brave, quite as daring as he was—only they had not his genius, his keen eye for opportunity, his swift, sure grasp of it. If this is held to be an unwarranted contention, then must Victoria Cross records and rewards be held a sham and a snare, camp tales of comrades' derring-do a delusion.

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\* Hitchman's *Life of Sir Richard Burton*, vol. i. pp. 156-67.

There was time enough before 1857 to have court-martialled Hodson half a dozen times over if there had been any case against him. It should be remembered also that, at Hodson's request, Major Reynell-Taylor, who succeeded him in the command of the Guides, audited his regimental accounts, and drew up a report fully exonerating him from all guilt.

Mr. Holmes' pages bristle with footnotes accusatory of Hodson; but they are for the most part anonymous and unsubstantiated accusations. And Hodson is dead.

In the indictment against Hodson even a graver count than that of persistent fraudulencies, is the one which charges him with slaying the King of Delhi's sons and grandsons while they were his prisoners—murdering them in sheer cold-blooded lust for bloodshed. As a matter of fact it was Hodson's desire and intention to take his prisoners to Delhi, there to be tried and hanged according to their deserts. But he had only 100 troopers with him, and between him and Humayoon's tomb whence the captives were being conveyed, there was an armed mob, set down by Mr. Holmes at 6,000 in number—a fanatical mob of men with their angry passions roused, clamorous for a rescue. Some of the boldest amongst them surged menacingly round the cart in which the Princes were being driven away. Hodson believed, and had reason to believe, that unless he slew the Princes on the spot and so overawed the mob, that mob would rescue them, and emboldened by its success would then turn upon himself and his handful of troopers. He halted the cart, therefore, and in the very teeth of enemies numerous enough to have overwhelmed him and his escort, shot the felon Princes who had mercilessly butchered European women and children. If no worse things than that had been done on our side in the Mutiny time, we should not have much to blush for; meanwhile, for people of Mr. Holmes's judicial turn of mind, Hodson serves admirably as a scapegoat. His last words to his friend Colonel Napier, almost his dying words when he knew he was dying, were—"I trust I have done my duty."

Lord Clyde honoured Hodson's funeral by his presence. Standing by the grave, tears forced themselves from the battered old warrior's eyes; and he said "I have lost one of the finest officers in the army."

Herbert Edwardes first made his mark as the writer of the "Brahminee Bull" letters in the *Delhi Gazette*; a paper at the time occupying much the same position that the *Pioneer* does in our time. The letters were in effect brightly written essays on the military, political, and social aspects of Anglo-Indian life and conduct. Although their authorship was soon an open secret, that authorship seems to have helped rather

than hindered Edwardes' career. Shortly before the first Sikh War broke out, he was appointed aide-de-camp to Sir Hugh Gough, then Commander-in-chief; and he fought at Moodkee and Sobraon, in the former of which battles he was wounded. Then he was for a short time Private Secretary to Sir Henry Lawrence; then a diplomatic envoy to Cashmere. After satisfactorily accomplishing the objects aimed at in this mission, he was sent in command of a Sikh force to Bunnoo, to collect tribute, payment of which had long been evaded. It was, says Mr. Holmes, an undertaking of extreme difficulty—"The Afghans are the most depraved of Asiatics, and of all the Afghan tribes the Bunnooches were the worst." The understanding did not prove to be one of "extreme difficulty." The Bunnoochees were reduced to submission in three months without any expenditure of gunpowder, or any need for recourse to the bayonet. But Edwardes was not satisfied with mere conquest. He founded a town: he made a road through the trackless valley: he encouraged agriculture; he planned canals: above all, he taught disputants between whom the knife had hitherto been the only arbiter, to respect the authority of the law. All this he achieved without firing a single shot.

After the murder of Vans Agnew and Anderson in 1848, Herbert Edwardes thrashed Moolraj's army with such raw levies of troops as he could get together for the emergency, giving striking proofs of undoubted military genius, and won what Mr. Holmes styles "the Waterloo of the Punjab."

In 1849, after a serious illness, the result of campaigning hardships and privations, Edwardes went home on furlough. He received the thanks of both Houses of Parliament and the emphatic commendation of the Duke of Wellington: the Court of Directors decorated him with a special gold medal; Oxford bestowed upon him her highest honorary degree: and dinners were given and speeches were made in his honour. "I feel afraid," he wrote to his dear friend, Cowley Powles, "of some great evil overtaking me after all this pride and adulation. It is not wholesome; but I must try and think large quantities of salt to season it." If, however, there was any chance of his being spoiled by prosperity, he had an effectual antidote. On the 9th of July he was married to Emma Sidney, whom he had first met when a lad at Richmond, and had ever since faithfully loved.

His health recruited, and accompanied by his "effectual antidote," Edwardes sailed for India again in March 1857, and was on his arrival sent as Deputy Commissioner to Jullundur, thence transferred to Hazara for a short time, and, on the

assassination of Colonel Mackeson, was appointed to the Commissionership of the Peshawur Division. He was only 34 at the time. Good fortune very often follows good deserts ; and he proved himself more than competent for his new office. He may in particular claim the credit of having invented the plan of blockading marauding hill tribes ; a plan the efficacy of which time has proved. The following is an account of the initial experiment and its results :—

It happened that a native ambassador, despatched by Edwardes, was travelling through the Khyber Pass on his way to Cabul, when a man belonging to the Sheranee tribe fired at him, but missed. The assassin escaped ; and the ambassador wrote to Edwardes to complain of the outrage which had been offered him. As the tribesmen refused to give up the offender, Edwardes ordered that they should be put under blockade. At the end of a year, the punishment having become unendurable, they sent a greybeard to Peshawur to propose terms of accommodation. Shown into the presence of the Commissioner, the old man offered the humblest apologies on behalf of his tribe. Edwardes, mentally resolving that the best way of settling the question would be to impose a fine, asked how many matchlockmen the Sheranees could turn out in case of need. Eager to magnify the power of his tribe and to propitiate the Commissioner, the greybeard mendaciously replied that a thousand men would always be ready to serve the British Government. Edwardes promptly informed him that the tribe should be pardoned if each of the thousand paid a fine of one rupee. Disgusted at his own indiscretion, the greybeard withdrew ; and the fine was paid.

Although the story of Herbert Edwardes' career before 1857 lacks neither fateful incidents nor interesting developments of character, yet for most of us, probably, its main interest will centre in the story of the part played by him when the Mutiny broke out. His bold disarmament of the native garrison of Peshawar, his coolness, his indomitable courage, his readiness of resource stood his country in good stead in those dark days. As to the policy proper to be pursued, Edwardes and his Chief, John Lawrence, differed. The former wanted Punjab troops sent to strengthen the position at Peshawur ; the latter, far from giving aid in that direction, desired troops from Peshawur to strengthen his attack upon Delhi. Edwardes had made up his mind to have Delhi relieved at all hazards and at any cost. He regarded the capital of the Moguls as the focus of rebellion, a vital head centre of Empire, possession of which was indispensable.

In 1859 Edwardes went home again on furlough. While at home he was invited to stand for Parliament as member for Glasgow—whether as conservative, liberal, or radical, we are not told. Deciding however, that he had no call to Parliamentary work, he declined the invitation ; and having been offered the post of Commissioner of Umbala sailed for India for the last time in January 1862, and, on arrival, realized

that "the old order changeth giving place to new." As his biographer puts it—

Edwardes had had only a short experience of his new work when he found that the spirit of Anglo-Indian administration had undergone a change, which robbed his public life of all its charm. In the old days he and his colleagues had been comparatively free. Much had been left to their own discretion ; and the sense of responsibility had happily stimulated their self-reliance. They had worked with all the more zest, because they had felt free to use all their faculties for good without restraint. But now, in the evolution of the administrative system, the era of Individualism had been succeeded by that of Centralisation. The sense of power was gone. Each public servant felt himself to be only a portion of a great machine. To some degree, however, Edwardes was able to make his influence felt outside the range of his official routine.

Here is a suggestive extract for students of character :—

Edwardes had had his full share of honours and rewards. He had received a good service pension ; and he had been made an honorary Doctor of the University of Cambridge, a Knight Commander of the Bath, and a Knight Commander of the Star of India. But he had one sore disappointment to endure. The service to which he proudly looked back as the most important that he had ever been permitted to render to the country, was the securing of the friendship of Dost Mahomed by the treaties of 1855 and 1857. During the Mutiny, the value of these treaties had been proved ; and even John Lawrence, who had opposed them, grudgingly admitted it. But Edwardes never received the credit to which his statesmanship had entitled him : by the world at large it was believed that John Lawrence, who had only signed the treaties, had been their actual author. It was owing to the generosity of Edwardes that this mistake had arisen ; and while, as he confessed, he could not help repining at being deprived of his fair share of fame, it grieved him to think that the old friend whose many great qualities he so heartily admired, was not generous enough to place the facts in their true light, and to give honour where honour was due.

*A History of Civilization in Ancient India, based on Sanskrit Literature.* By Romesh Chunder Dutt, of the Bengal Civil Service and of the Middle Temple, Barrister-at-law, &c. &c. In 3 vols : Vol. I, Vedic and Epic Ages. Calcutta : Thacker, Spink and Co., 1889.

THE work, the title of which appears at the head of this notice, is a valuable contribution to Anglo Indian literature. Foreign scholars have done a great deal to bring the literature of the Ancient Aryans to the knowledge of this busy age. It is time Indian scholars should take up this great work. It is a pity Mr. Dutt does not derive the matter of his book entirely from original Sanskrit works. But we are almost disposed to overlook this shortcoming for the able manner in which he has performed his difficult and self-imposed task. Our author has, however, fully acknowledged his indebtedness to the works of the various scholars who have

devoted their life time to the study of Indian literature and antiquities. This is what he says in his preface :—

In undertaking this great work, I must, once for all, disclaim any intention to make any new discoveries, or to extend in any way the limits of oriental scholarship and research. My limited knowledge of the subject precludes the possibility of such a pretension being advanced, and the limits of the present work make it impossible that any such results should be achieved. I have simply tried to string together, in a methodical order, the results of the labours of abler scholars, in order to produce a readable work for the general reader. If, in the fulfilment of this design, I have been sometimes betrayed into conjectures and suppositions, I can only ask my readers to accept them as such,—not as historical discoveries.

Mr. Dutt's style is clear and chaste. The matter of his book is equally unexceptionable, being the quintessence of the labors of able writers, European and Indian, who have preceded him, its chief characteristic being an entire freedom from controversial topics. Facts regarding ancient Hindus and their literature and civilization are being gradually unearthed, and any Indian writer who will present them in an attractive form to the English-reading public, will do a signal service to his people. Mr. Dutt has, we think, done this with success, and we have no doubt his book will be welcomed in England and on the continent by every well-wisher of the Hindus.

The work is, to a great extent, a *rechauffé* of the writer's own researches in the Rig Vedic literature. It is perhaps not unknown to the readers of this *Review*, that Mr. Dutt has been labouring in this mine for some years past, and that he has enriched the Bengali language by a complete translation into that language of the Rig Veda Sanhitá, which was published three years ago under the patronage of the Government of Sir Rivers Thompson. From time to time he has also published in the pages of this Review papers on the civilization of the Hindus in the Vedic period, and these, together with other materials since collected, have been embodied in the present volume. It is gratifying to see that though "the charge of a Bengal District with an area of over six thousand square miles and a population of over three millions" leaves our author little leisure for other work, he has succeeded in presenting the general reader with a reliable and concise history of ancient civilization in India.

The introduction deals with the settlement of the various epochs and dates in the thirty centuries covered by the history of Ancient India. The whole period has been divided into the following epochs : (1) the *Vedic* period (2000—1400 B.C.); (2) the epic period (1400—1000 B.C.); (3) the philosophical period (1000—242 B.C.); (4) the Buddhist period (242 B.C.—500 A.D.); and (5) the Pauránick period 500 A.D.—1194 A.D.)

The volume before us, the first of a series of three, deals with the first two of these five periods only, *viz.*, the vedic and the epic, bringing down the history of Ancient India to 1000 B.C. Taking the immigration of the Aryans as the starting point, the literature, agriculture and commerce, arts of peace and war, social and domestic life and religion of the Ancient Aryans, are all treated exhaustively in the several chapters of the first book. The second book, comprising the epic period, narrates the history of the Kurus and Panchálas, the Videhas, Kosalas and Kásis. Facts about the non-Aryan tribes, about whom little is known, have been brought out with distinctness. The origin of caste and the sacrificial rites and legends of the Brahmans, and their progress in learning, are all treated of in their turn, the closing chapter, the most thoughtful in the whole volume, dealing with the religious and philosophical speculations of the *Upanishads*. There was but little left to say of the *Upanishads* after the admirable series of papers on the *Philosophy of the Upanishads*, contributed to the pages of this Review by Mr. Archibald Gough, and since reprinted in Messrs. Trübner's Oriental Series.

How far the mind of our author is saturated with western thoughts is amply illustrated by the fact, that he refers the composition of the *Mahábhárata* to a period anterior to that of the *Rámáyana*. This theory, if we mistake not, was first propounded by Mr. Talboys Wheeler. We find Mr Dutt supporting it by the fact, that we find references to the *Mahábhárata* in the *Sutra* literature, but we find no such references to the *Rámáyana* (p. 209). But these references, like many others, may be later interpolations, and the archaic simplicity of the style of the *Rámáyana*, coupled with the fact that we find in it no account of the Aryan civilization south of the Vindhya, support the orthodox theory of the priority of its composition. In the *Mahabharata* we find the Hindus in the glory of their civilization, and its very style bears internal evidence of its composition at a later period.

Following the authority of Weber, Max Müller and Roth, our author holds that the caste system did not exist in the vedic age, when the Aryans were a united body. In the epic age, however, priests and kings separated themselves as distinct castes, and the next two orders were the Vaisyas and Sudras, forming the lower stratum of society.

The chapter on social and domestic life is peculiarly interesting in this transition state of Hindu society. In the latter part of it, dealing with the position of women in the vedic times, we meet with some curious facts. We find the picture of the cultured lady *Visvavará*, herself a Rishi, who composed hymns and performed sacrifices. We find the first

germ of the Svayamvara system, and there are verses which shew that the custom of early marriage was unknown. There is one remarkable verse which clearly sanctions the remarriage of widows, and there is another foreshadowing the law of adoption of later days.

It is a matter of common regret that Hindu youths are wofully ignorant of the history of their own people. The fault, we venture to think, is not entirely theirs. The choice of books for the University Examinations has much to answer for it. We are clearly of opinion that Mr. Dutt's book will form a very useful addition to the Entrance or F. A. Course. It will familiarize the minds of the rising generation of the youth of this country with facts in their national history worth remembering in after life. We throw out this hint for the consideration of the Educational authorities.

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*Colburn's United Service Magazine, with which is incorporated the Army and Navy Magazine.* For July 1889. London : W. H. Allen & Co., 13, Waterloo Place, S. W.

THOSE who are unacquainted with the constitution and working of the Royal Irish constabulary force may find a concise account of it in *Colburn's United Service Magazine* for July. Mr. T. R. E. Holmes has contributed a sketch of Father Damien's life and labours, bearing testimony to the supreme Christian virtue of the nineteenth century Christian who meekly took up his Master's cross, and bearing it and its consolations to a Gehenna whereto no Missionary before him had dared venture, bore it cheerfully and manfully to the end—enduring much, doing much. Joseph Damien de Veuster was born near Louvain in Belgium, on the 3rd of January 1841. While a child he dreamed of being a priest ; and afterwards forgot the dream and its fit interpretation till he was 19 years old. Then, "in an instant," he made up his mind to be a cleric ; afterwards, with more deliberation, to be a Missionary. He was, when he had completed his studies, sent to labour in the islands of the Southern Pacific.

As to Father Damien's manner of life at Molokai, we cannot do better than quote Mr. Holmes's own account of it :—

Year after year he worked on, turning his hand to every useful labour, cheering the living, consoling the dying, spending with wise economy, accounting for all that he spent with business-like precision, welcoming stray visitors with simple, genial courtesy. All this time he expected that he would sooner or later catch the disease. The doctor twice examined him. The second time he said : " I can hardly bear to tell you ; but what you say is true."

" It is no shock to me," replied Damien, for I have long felt sure of it,"

There were still three or four years more of usefulness to run. Now, too, he was beginning to see the fruit of his labours. Fired by his example

men, and women too, were coming to help him ; so after his death the lepers would not be friendless. When, a few months ago, Mr. Clifford visited the island, instead of the hell upon earth which he had steeled himself to look upon, he found cheerful faces everywhere, and the man who had worked this miracle, whose turn must soon come to die, able to joke on the havoc which had been wrought in his appearance by the loathsome disease.

The rest is soon told. The fell disease wrought its fatal work, and so passed away the brave Belgian priest who passed the best years of his life, cut off from civilization and its amenities in a loathsome Lazar house, assuaging the sufferings and improving the spiritual and temporal condition of the unfortunate lepers at Molokoi.

## ACKNOWLEDGMENTS.

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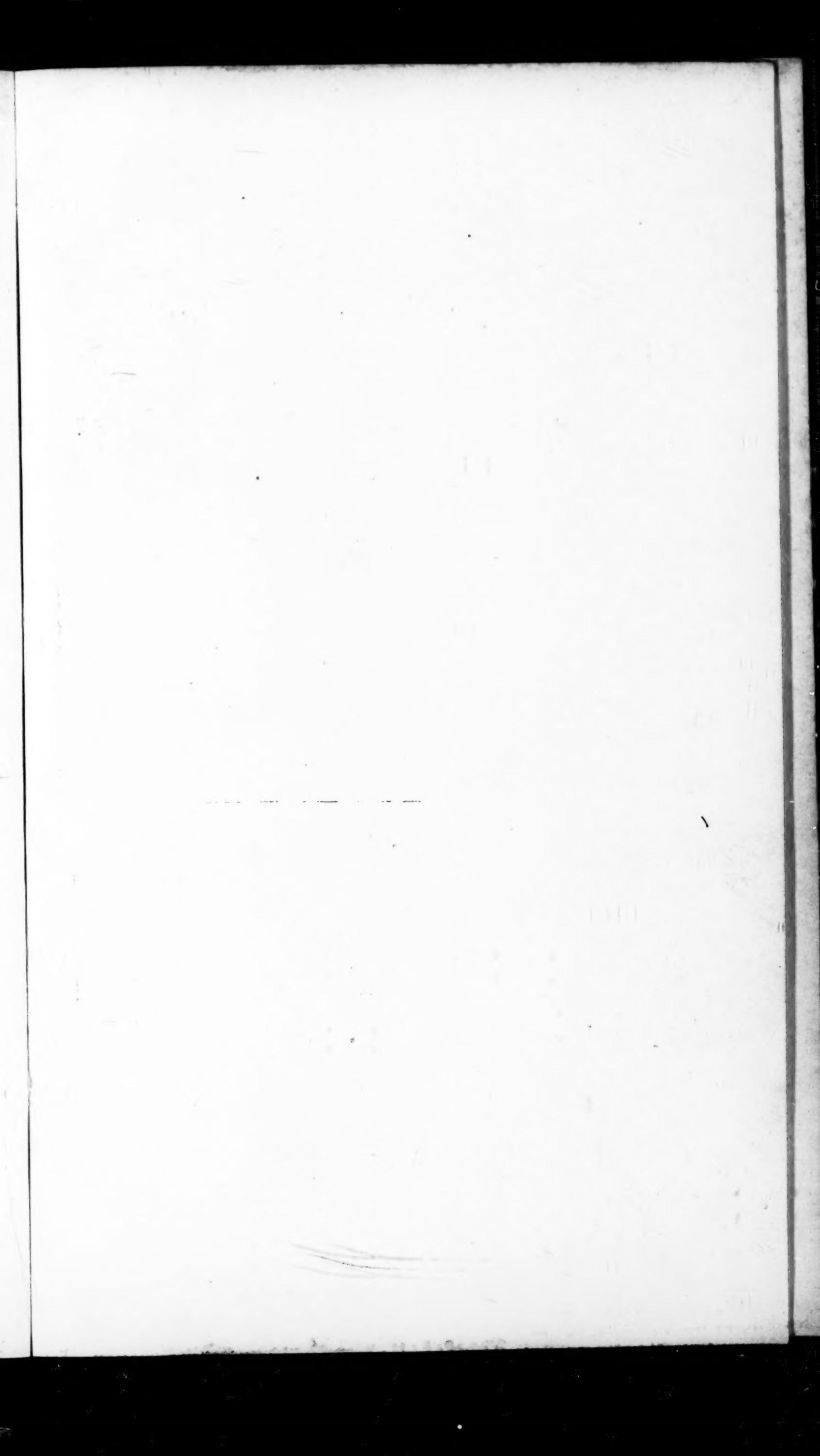
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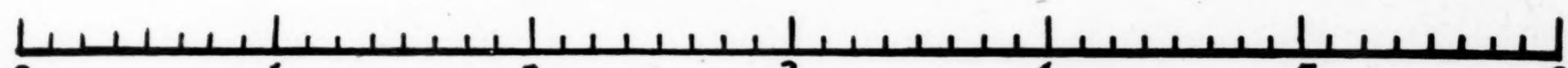
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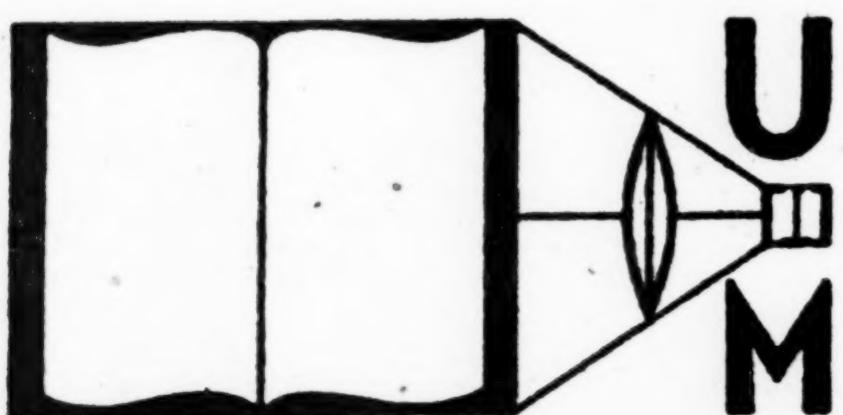
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